

THE MADRAS LEGISLATIVE COUNCIL



Saturday, the 15th February 1958.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Financial adjustments between Andhra and Madras

* 17 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Finance be pleased to state with reference to the answer to the Legislative Council Question No. 342 given on 22nd August 1955, whether all financial adjustments between Madras and Andhra consequent on the formation of the Andhra State have been finally settled, and if not, the stage at which the matter now stands?

THE HON. SRI C. SUBRAMANIAM : No, Sir. The financial adjustments have not been finally settled.

The charges connected with the servicing and repayment of the outstanding Public Debt as on 30th September 1953 are being shared by the Madras, Andhra (Pradesh) and Mysore State Governments provisionally in the population ratio, pending its allocation with reference to the capital outlay in each area as provided for in the Seventh Schedule to the Andhra State Act, 1953. The details regarding the outlay on Tungabhadra Project are still under correspondence. The Andhra Government have also referred a few points in this regard to the President of India for orders under section 51 of the Andhra State Act. The allocation of the liability for the balance under certain deposit heads, e.g., Civil Deposits, other Deposit Accounts, etc., is also still under correspondence with the Andhra Pradesh Government.

SRI T. PURUSHOTHAM : Will the Hon. Minister indicate to us, Sir, what the probable or approximate amount that has yet to be adjusted is and will this be allowed to drag on so that we may make final adjustments after the realignment of the Northern border?

THE HON. SRI C. SUBRAMANIAM : In any event, the final settlement will not take place before that. The amount would be only in the order of lakhs, not crores.

Supply of rice to Madras State

* 18 Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Home be pleased to state—

(a) the quantity of rice applied for and the quantity supplied to Madras State by the Union Government during the period between October and December 1957; and

[15th February 1958]

(b) the quantity of rice proposed to be supplied during the period between January and March 1958?

THE HON. SRI M. BHAKTAVATSALAM : (a) In September 1957 the Government of India conveyed their decision that rice would not be supplied from Central Stocks to the Fair Price Shops in this State from 1st October 1957. Subsequently, as a result of further negotiation, the Government of India agreed to supply 4,000 tons of rice per month to the Fair Price Shops in this State, on a loan basis, for a period of three months, viz., October, November and December 1957, as against the maximum monthly quota of 8,000 tons of rice that they were previously supplying.

(b) The Government of India have agreed to continue the supply of rice at 4,000 tons per month on a loan basis till the end of February 1958.

SRI V. CHAKKARAI CHETTY : May I ask the Hon. Minister what is the purpose of this reciprocal supply of rice—we supply to the Government of India and the Government of India supply to us? What is the idea of the reciprocal arrangement?

THE HON. SRI M. BHAKTAVATSALAM : There is no question of reciprocal supply in this matter. The Government of India supply rice for the purpose of meeting the requirements of the Fair Price Shops from their own stock and replenish their stock from imports and supply to us at a subsidized price so that we may sell rice in Fair Price Shops at subsidized rates.

SRI MOHAMED RAZA KHAN : May I know whether it is a fact that when the Government of Madras decided to close down Fair Price Shops in the City of Madras, the Government refused to supply rice except on the basis of loan?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir. This Government have decided to close down all the Fair Price Shops from 1st March next and the Government have arrived at that decision not only because the Government will not be able to supply rice further, but also because this Government felt that there would be no need for Fair Price Shops and that they should not be a permanent feature.

SRI T. P. SRINIVASAVARADAN : May I know whether the Government are aware of the fact that from the time Fair Price Shops were opened, the price was slowly going down and that if they close down these shops, the price would go up?

THE HON. SRI M. BHAKTAVATSALAM : I do not believe that on account of the fact that we close down the Fair Price Shops, the price would go up again. As a matter of fact, in this City American rice is being supplied for the last few months and still the price is high.

SRI T. P. SRINIVASAVARADAN : Will the Government give us an assurance that in case the prices go up, they would again open Fair Price Shops?

15th February 1958]

THE HON. SRI M. BHAKTAVATSALAM : I cannot say that continuance of Fair Price Shops has a direct bearing on the price factor. The Fair Price Shops are mainly intended to enable poor people to secure rice at a particular reduced price. Of course, whenever it is found necessary, this Government will certainly try to revive the Fair Price Shops. But from 1st March onwards, this Government do not think that there would be any difficulty about people getting rice in the City and in the mofussil.

DR. V. K. JOHN : May I know the quantity of rice produced in this State and the quantity required for consumption?

THE HON. SRI M. BHAKTAVATSALAM : I may tell the hon. the Deputy Leader of the Opposition that as much rice as is required for consumption in this State is now produced, although I shall not be able to give him the exact particulars just now.

SRI MOHAMED RAZA KHAN : Sir, the other day the Hon. Minister said that the Government of Madras would not purchase rice in the open market. Now that they have taken a loan from the Government of India, how will they be paying it back—whether in kind or in cash?

THE HON. SRI M. BHAKTAVATSALAM : It is not a question of procuring rice from within this State in order to replenish the Government of India's stock and there is no urgency about returning the loan of rice. We may take our own time for that.

SRI K. BALASUBRAMANYA AYYAR : Supposing the prices rise—of course, they may not rise—will the Government think of introducing control over the rise in price?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir. That is also under the consideration of the Government.

DR. V. K. JOHN : If we are producing rice in sufficient quantity, is there any need to import rice into the State?

THE HON. SRI M. BHAKTAVATSALAM : There is free movement of rice between State and State and we have also to guard against lean years when the monsoons fail and against other difficult situations.

SRI K. BALASUBRAMANYA AYYAR : Will the Government of India supply us wheat if we find it necessary?

THE HON. SRI M. BHAKTAVATSALAM : In fact, we do not propose to close down the Fair Price Shops entirely but wheat will be available even after the 1st March. There is no difficulty about it and there is sufficient quantity of wheat.

SRI MOHAMED RAZA KHAN : Will the Hon. Minister consider the fact that there has been a persistent demand from various places in the mofussil that at least in some places these Fair Price Shops should continue?

[15th February 1958]

THE HON. SRI M. BHAKTAVATSALAM : If rice is to be supplied at reduced rates, it is but natural that people would like to have it. I would tell the hon. Member that in dry districts like Salem and North Arcot there are no Fair Price Shops and that there is no demand for them.

DR. V. K. JOHN : May I take it that there is sufficient stock of rice to meet any emergency and that there is no need for the public to be worried about it?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir. There is no need for alarm in the matter.

3-10 P.M. SRI MOHAMED RAZA KHAN : May I know, Sir, how the Fair Price Shops were run in the last one or two years? Where they run on a "no loss and no gain" basis, or did the Government make some money or incur some loss?

THE HON. SRI M. BHAKTAVATSALAM : The rice was sold at subsidized rates—at about two annas less than the market rate—and the Government of India all along bore that difference.

DR. A. SREENIVASAN : Sir, if there is self-sufficiency in rice, where is the need to move rice outside? Why not we conserve all the rice in our State?

THE HON. SRI M. BHAKTAVATSALAM : I may tell the hon. Member that there is no control in force on the free movement of rice from State to State. After the formation of the Southern Zone, movement of rice from out of the zone is restricted, but there is free movement of rice between Madras, Kerala, Andhra and so on.

SRI T. P. SRINIVASAVARADAN : Sir, will the Government see that samba wheat is sold in Fair Price Shops? (It is not at present sold there.)

THE HON. SRI M. BHAKTAVATSALAM : I have been looking into the matter. I shall see whether samba wheat can be made available for sale in Fair Price Shops.

SRI MOHAMED RAZA KHAN : Sir, is the Hon. Minister aware that representations have been made that the prices of rice in our State have gone up consequent on the heavy purchase of rice here by neighbouring States?

THE HON. SRI M. BHAKTAVATSALAM : I do not think, Sir, that prices have gone up exclusively on account of this movement of rice. On the other hand, there are producers also who complain that free movement is restricted. They are interested in the free movement of rice to other States.

DR. V. K. JOHN : Sir, is the Southern Zone self-sufficient in the production of rice?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir. It is quite sufficient.

15th February 1958]

SRI V. CHAKKARAI CHETTY : Sir, is it a mandatory order from the Government of India that we should supply rice? Supposing we are unable to supply, what will be the consequence? Is it a mandate that we are obliged to obey or is it a mere request in the nature of a friendly action on the part of the Government for supplying rice to some other State that may be needy?

THE HON. SRI M. BHAKTAVATSALAM : There is no mandate, and there is no question of obedience or disobedience. There is free movement of rice, and unless we want to introduce control again, we cannot help rice moving from one State to another.

Grant of recognition to Service and Ex-Servicemen's Associations

* 19 Q.—**SRI T. PURUSHOTHAM :** Will the Hon. the Minister for Finance be pleased to state—

(a) the rules governing the grant of recognition to Service and ex-Servicemen's Associations;

(b) whether it is a fact that the Madras State Pensioners' Association applied to Government in 1957 for recognition; and

(c) if so, the action taken thereon?

THE HON. SRI C. SUBRAMANIAM : (a) Copies of instructions^a regarding grant of recognition to Service Associations are placed on the table of the House. Similar rules have not been framed for grant of recognition to ex-Servicemen's Association, viz., Association comprising persons who have retired from Government service.

(b) Yes.

(c) The State Pensioners' Association was informed that it was not necessary for Government to recognize the Association as no useful purpose would be served by granting recognition.

SRI V. CHAKKARAI CHETTY : Sir, may I know whether the Service Association is in the nature of a trade union organization? If the trade union organization follows certain conditions, recognition automatically follows. Is the Pensioners' Association in the nature of a trade union organization? In that case, if we have laid down rules and they have followed them, recognition would automatically follow. Is this not so?

THE HON. SRI C. SUBRAMANIAM : We have not recognized the State Pensioners' Association. But, as far as Service Associations are concerned, they do not come under the Trade Union Act.

SRI T. PURUSHOTHAM : Sir, as the rules placed on the table of the House show that there is bar on only office-bearers being in active service of the Government, will the Government reconsider the question of recognition for the Madras State Pensioners' Association?

[15th February 1958]

THE HON. SRI C. SUBRAMANIAM : There should be some purpose served by recognizing these associations. We have examined the proposal, and we found that no purpose would be served by giving recognition to the Pensioners' Association.

SRI MOHAMED RAZA KHAN : May I ask, Sir, in case recognition is being accorded, what the advantages which will accrue to the Association are?

THE HON. SRI C. SUBRAMANIAM : One thing will be that we will be periodically getting representations that pensions should be increased (laughter), and it would not be possible for us to increase the pension. Therefore, no useful purpose will be served by giving recognition.

SRI V. CHAKKARAI CHETTY : Is not recognition of the Association the same as in the case of a trade union? There, recognition means freedom of correspondence, and the Government are obliged to answer any statement that the organization may make. There is free correspondence between the Government and the Association. The Government are obliged to give satisfactory replies to the organization. Is this not so, Sir? In the case of trade unions, I have myself been corresponding with the employers, and they recognize the union and at once reply to us.

THE HON. SRI C. SUBRAMANIAM : Sir, I have been repeating that we have not recognized the Pensioners' Association.

SRI MOHAMED RAZA KHAN : Sir, could not the Finance Minister recognize this Association so that these retired officials will keep themselves in touch with the Finance Minister and the Finance Minister will keep in touch with them, without simply leaving them out once they retire? I say this in the Finance Minister's own interest. (Laughter.)

THE HON. SRI C. SUBRAMANIAM : It is not as if they are not keeping in touch with the Finance Minister even now. The only thing is that individual representations are made.

Agitation before Murali Cafe in Triplicane

* 20 Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Home be pleased to state—

(a) the number of volunteers of the Dravida Kazhagam arrested up to 31st December 1957 in connection with the agitation before Murali Cafe in Triplicane for the removal of the word 'Brahmin' from the name-board of the hotel; and

(b) the expenditure incurred on the Police in that connection?

THE HON. SRI M. BHAKTAVATSALAM : (a) 962.

(b) No expenditure was incurred in connection with the agitation, but the Police provided the necessary bundobust to maintain law and order.

[15th February 1958]

SRI MOHAMED RAZA KHAN : Sir, is it not a fact that one or two lorries of Policemen were stationed day after day, and is it difficult for the Government to calculate the amount spent by the Police department?

THE HON. SRI M. BHAKTAVATSALAM : No extra Police was recruited for this purpose in the State and, therefore, there was no extra expenditure on this account.

SRI JOHN ASIRVATHAM : Sir, will Government consider taking deterrent action against those who preach class hatred and propagate communal differences?

THE HON. SRI M. BHAKTAVATSALAM : Wherever Government find that people contravene the law, they take action. Regarding the quantum of punishment, it is for the courts to consider.

SRI A. M. ALLAPICHAJ : Does the Police department keep the Government in touch with the speeches made by members of some Association, who believe in some kind of differences between communities and communities?

THE HON. SRI M. BHAKTAVATSALAM : The Government do have information. They are quite in touch with these activities.

SRI MOHAMED RAZA KHAN : Sir, I understand on an average daily about 40 to 50 constables, head constables and Sub-Inspectors, are on duty for the whole day before Murali Cafe? Is it right for the Hon. Minister to say that no extra expenditure was incurred for services rendered by the Police?

THE HON. SRI M. BHAKTAVATSALAM : Sir, if the Police people were not on duty at the Murali Cafe, they would have been on duty at some other place. So, there was no extra expenditure.

Reinstatement of teachers

* 21 Q.—**SRI G. KRISHNAMOORTHY :** Will the Hon. the Minister for Finance be pleased to state—

(a) the number of cases from 1st January 1956 till date in which the managements of elementary schools in Tirunelveli and Ramanathapuram districts have failed to comply with the orders of Educational authorities for reinstatement of teachers whose services were terminated; and

(b) the steps taken or proposed to be taken by the Government for the enforcement of such orders?

THE HON. SRI C. SUBRAMANIAM : (a) Tirunelveli—4; Ramanathapuram—2.

(b) The cases are being examined by the Divisional Inspector concerned and the Director of Public Instruction. Under the existing rules, such cases do not generally come to the Government.

[15th February 1958]

SRI G. KRISHNAMOORTHY : May I know, Sir, for how long these cases have been pending?

THE HON. SRI C. SUBRAMANIAM : I do not have the information at present.

SRI G. KRISHNAMOORTHY : Sir, I understand that these cases are pending with the Government for over a year, and that in some cases it is even two years. Will the Government kindly see that, as they promised, they equip themselves with statutory powers to enforce their decision on the management?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir. When we frame the Educational Code, this also will be taken into consideration.

Chembarampakkam tank

* 22 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have instituted any enquiry into the causes for the low-level of water in Chembarampakkam tank;

(b) the steps proposed to be taken in the matter;

(c) when sand and silt at Kesavaram anicut were last cleared; and

(d) the steps, if any, taken or proposed to be taken to improve the anicut?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Minister for Public Works) : (a) & (b) There is no need to institute an enquiry, as all possible steps have been taken to augment and improve the supply condition of the Chembarampakkam tank which depends on various sources of supply. Unless there is normal rainfall in the Kortilliar catchment above Kesavaram anicut and normal floods in the Palar, there is no scope for improving the storage in the tank.

(c) There is no need to clear the silt and sand at Kesavaram anicut and hence, no clearance was made.

(d) All improvements to the anicut that are necessary have already been carried out including the raising of the crest of the anicut by 2 feet. There are at present no proposals under consideration for any further improvements.

SRI T. PURUSHOTHAM : As, in spite of the monsoon, we find that every tank has no water at all, will the Government issue instructions to the Executive Engineer to see that the silted-up feeder channels are cleared up as early as possible?

THE HON. SRI R. VENKATARAMAN : Sir, it is the view of the Executive Engineer that paucity of water in this tank is not due to any silting up, but due to lack of adequate rains, and that there is no other way of increasing the water-supply here.

15th February 1958]

SRI T. PURUSHOTHAM : As a number of small-scale irrigation schemes have been proposed by the District Planning Committees of Chingleput and North Arcot districts and, I believe, of other districts also, will the Government consider the question of investigating these small or medium sized irrigation schemes to improve the irrigation sources of the different districts? 3-20 p.m.

THE HON. SRI R. VENKATARAMAN : That is a general question. The main question relates to Chembarampakkam tank only.

SRI MOHAMED RAZA KHAN : Apart from the low-level or there being no water in this tank, there is no electricity connection in the travellers' bungalow very near the tank. May I know whether, because of the low-level, the Government do not want to electrify the travellers' bungalow? (Laughter.)

THE HON. SRI R. VENKATARAMAN : I wish we could produce some electricity from the water resources there.

SRI T. PURUSHOTHAM : May I know whether some special arrangement could be made to deepen the Kambakkal and Chatrakal channels? Because, on a personal visit to that place last month, I found that there was no free flow of water to feed the Chembarampakkam tank.

THE HON. SRI R. VENKATARAMAN : These were the very things that were investigated by the Executive Engineer. This is a case of lack of water resources, due to inadequate rain. When there is no water at all, there is no point in merely deepening the channels.

SRI V. CHAKKARAI CHETTY : May I know whether it will affect the water-supply to the City of Madras?

THE HON. SRI R. VENKATARAMAN : The City water-supply will not be affected.

SRI V. CHAKKARAI CHETTY : Thank you, Sir.

*Repairs to school building damaged by cyclone in
November 1955*

* 23 Q.—**SRI G. KRISHNAMOORTHY :** Will the Hon. the Minister for Finance be pleased to state—

(a) the number of aided elementary schools in Tanjore district that applied to the District Collector, Tanjore, for grant from the Madras Cyclone Relief Fund for carrying out repairs to school buildings damaged by the cyclone in November 1955; and

(b) the number of schools that were given such grants and the total number given?

THE HON. SRI C. SUBRAMANIAM : (a) & (b) Four schools applied and one school, viz., the Kasturba Kanya Gurukulam of Vedaranyam, was given grant of Rs. 11,000.

[15th February 1958]

SRI G. KRISHNAMOORTHY : May I know why the grant in respect of the other institutions was refused?

THE HON. SRI C. SUBRAMANIAM : Because we considered that they did not deserve that help.

SRI G. KRISHNAMOORTHY : Is the Hon. Minister aware of the fact that a particular institution was promised grant by the District Collector and that when the application actually reached the District Collector, the District Collector said that it was belated and that the school could not get any grant?

THE HON. SRI C. SUBRAMANIAM : I am not aware of that particular instance.

SRI G. KRISHNAMOORTHY : If there is such a case, will the Government kindly consider the case and allow the grant to be made from the General Revenues even if the Cyclone Relief Fund might have been closed?

THE HON. SRI C. SUBRAMANIAM : As the hon. Member himself has mentioned, I do not think we have any amount in the Cyclone Relief Fund. Moreover, I do not think that we should continue this relief even after two or three years of cyclone havoc.

SRI G. KRISHNAMOORTHY : As a concluding point, may I say that the District Collector asked the particular school to just forward the application through the District Educational Officer and when that was recommended, it was returned as belated? So, will the Government kindly consider the case of this school in Mannargudi favourably?

THE HON. SRI C. SUBRAMANIAM : I do not think I can give any assurance that it could be considered. Because, there is no amount in the Cyclone Relief Fund which could be allotted for this purpose.

Bridge across the Cauvery near Musiri

* 24 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is any proposal before the Government to construct a bridge across the Cauvery near Musiri (Tiruchirappalli district); and

(b) if so, the stage at which the matter now stands?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Minister for Public Works) : (a) No, Sir.

(b) Does not arise.

SRI T. PURUSHOTHAM : May I know whether the Government have investigated the need and possibility of construction of a bridge at the place indicated, what the cost of the scheme is and whether the Government will at least consider its inclusion in the Third Plan?

15th February 1958]

THE HON. SRI R. VENKATARAMAN : There are two bridges across the Cauvery and Government did not feel that there was any need for a third bridge in-between the two.

MR. CHAIRMAN : Questions are over.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ANNOUNCEMENTS BY THE HON. CHAIRMAN.

(1) MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN : I have to announce to the House that I have received the following message, from the Governor of Madras, dated the 15th February 1958 :—

“ In pursuance of Article 207, clause (3), of the Constitution of India, I, Bishnuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Appropriation Bill, 1958.”

(2) MESSAGES FROM THE ASSEMBLY.

MR. CHAIRMAN : I have also to announce to the House that I have received the following messages, dated the 14th February 1958, from the Hon. Speaker, Madras Legislative Assembly :—

“ (1) In accordance with rule 138 of the Madras Assembly Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Assembly, desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1958 (L.A. Bill No. 1 of 1958).

Motion.

That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members from the Assembly and 8 Members from the Council) to consider the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1958 (L.A. Bill No. 1 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri. C. Subramaniam.
- 2 ,, M. A. Manickavelu.
- 3 Sri P. G. Karuthiruman.
- 4 ,, S. Lazar.
- 5 ,, G. Annamalai Muthuraja.

[Mr. Chairman]

[15th February 1958]

- 6 Sri V. Muthiah.
- 7 „ T. V. Sannasi.
- 8 Srimathi Ananthanayaki.
- 9 Sri R. Srinivasa Iyer.
- 10 „ G. Narayanaswami Naidu.
- 11 „ T. Sampath.
- 12 „ S. R. Munuswami.
- 13 „ S. M. Annamalai.
- 14 „ M. Kalyanasundaram.
- 15 „ T. L. Sasiyarna Thevar.
- 16 „ Sri A. R. Marimuthu.”

“(2) In accordance with rule 138 of the Madras Assembly Rules, I transmit a copy of the motion passed by the Madras Legislative Assembly, desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958).

Motion.

That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members from the Assembly and 8 Members from the Council) to consider the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee:—

- 1 The Hon. Sri M. Bhaktavatsalam.
- 2 Sri P. G. Karuthiruman.
- 3 Srimathi P. K. R. Lakshmi Kantham.
- 4 Sri Gomathi Sankara Dikshidar.
- 5 „ K. Vinayakam.
- 6 „ A. A. Rasheed.
- 7 „ Alagiriswamy.
- 8 „ A. Chidambaranatha Nadar.
- 9 „ R. Kandasami.
- 10 „ A. Vedarathnam Pillai.
- 11 „ M. Selvaraj.
- 12 „ N. K. Palanisami.
- 13 „ M. Jagannathan.
- 14 „ S. A. M. Annamalai.
- 15 „ P. S. Chinnadurai.
- 16 „ D. S. Audimoolam.”

15th February 1958] [Mr. Chairman]

I have further to announce that I have received the following message, dated the 15th February 1958, from the Hon. Speaker, Madras Legislative Assembly :—

(1) In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Appropriation Bill, 1958 (L.A. Bill No. 3 1958), as passed by the Legislative Assembly on the 15th February 1958 and signed by me, for the recommendations of the Council.

I certify that this is a Money Bill within the meaning of Article 199 of the Constitution of India.

(2) In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras Bhoodan Yagna Bill, 1957 (L.A. Bill No. 15 of 1957), as passed by the Assembly on the 15th February 1958 and signed by me, for the concurrence of the Council.

(3) NOMINATION OF MEMBERS TO THE BUSINESS ADVISORY COMMITTEE AND THE COMMITTEE ON GOVERNMENT ASSURANCES

MR. CHAIRMAN : I have to announce to the House that under rules 164 (1) and 173 (1) respectively of the Madras Council Rules, I have nominated the following Members of the Business Advisory Committee and the Committee on Government Assurances of the Council to be the Members of those Committees for one year with effect from 15th February 1958 :—

Business Advisory Committee—

- 1 Hon. Chairman (*Chairman*).
- 2 Hon. Sri R. Venkataraman.
- 3 Dr. A. Lakshmanaswami Mudaliar.
- 4 Sri T. M. Narayanaswamy Pillai.
- 5 „ Mohamed Raza Khan.
- 6 „ T. Purushotham.
- 7 Dr. T. V. Sivanandam.
- 8 Sri V. S. Balasundaram.
- 9 Srimathi Jothi Vencatachellum.

Committee on Government Assurances—

- 1 Dr. A. Lakshmanaswami Mudaliar.
- 2 Sri K. Balasubramania Ayyar.
- 3 „ V. V. Ramaswami.
- 4 „ S. P. Sivasubramania Nadar.
- 5 „ S. N. Venugopal.

Under rule 174 (1), I have nominated Dr. A. Lakshmanaswami Mudaliar to be the Chairman of the Committee on Government Assurances.

[15th February 1958]

III.—GOVERNMENT BILLS.

(1) THE MADRAS APPROPRIATION BILL, 1958 (L.A. BILL NO. 3 OF 1958).

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

“ That the Madras Appropriation Bill^a 1958 (L.A. Bill No. 3 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

In view of the discussion we already had in respect of all the subjects, I do not think a speech is called for now and, in my humble opinion, even a discussion. Anyway, I leave it to the hon. Members.

MR. CHAIRMAN : The question is—

“ That the Madras Appropriation Bill, 1958 (L.A. Bill No. 3 of 1958), as passed by the Legislative Assembly, be taken into consideration.”

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 3 was put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM : I move—

“ That the Madras Appropriation Bill, 1958 (L.A. Bill No. 3 of 1958), as passed by the Legislative Assembly, be passed.”

MR. CHAIRMAN : The question is—

“ That the Madras Appropriation Bill, 1958 (L.A. Bill No. 3 of 1958), as passed by the Legislative Assembly, be passed.”

The motion was put and carried and the Bill was passed.

SRI MOHAMED RAZA KHAN : Congratulations ! (Laughter.)

(2) THE MADRAS MATERNITY BENEFIT (AMENDMENT) BILL, 1958.

* THE HON. SRI R. VENKATARAMAN : Sir, I beg leave to introduce the Madras Maternity Benefit (Amendment) Bill, 1958.

MR. CHAIRMAN : The question is—

“ That leave be granted for the introduction of the Madras Maternity Benefit (Amendment) Bill, 1958.”

The motion was put and carried and leave was granted.

* THE HON. SRI R. VENKATARAMAN : Sir, I introduce the Bill.

15th February 1958]

(3) THE MADRAS CULTIVATING TENANTS' PROTECTION AND PAYMENT OF FAIR RENT (AMENDMENT) BILL, 1958 (L.A. BILL NO. 1 OF 1958).

* THE HON. SRI M. A. MANICKAVELU : Sir, I move—

“ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958 (L.A. Bill No. 1 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri R. Venkataraman.
- 2 Sri K. Balasubramanya Ayyar.
- 3 „ T. P. Srinivasavaradan.
- 4 „ T. V. Devaraja Mudaliar.
- 5 „ T. S. Arunachalam.
- 6 „ A. Somasundara Reddiar.
- 7 „ A. Krishnaswamy Vandayar.
- 8 „ T. S. Sankaranarayana Pillai.”

The object of the Bill is to translate the provisions of the Ordinance into an Act. Hon. Members will be aware that two pieces of legislation have already been passed, viz., the Cultivating Tenants Protection Act and the Fair Rent Act. These Acts apply to a category of tenants called cultivating tenants defined in the respective Acts. During the working of these Acts, it was found that there were other kinds of tenants called by others as casual labourers or pannaiyals who were attached to the land, who depended on the land and who worked on the land. The question arose particularly in the Tiruchirappalli district whether this sort of tenancy called kaieruvaram and matteruvaram would come within the scope of the definition of ‘cultivating tenant’. Now, it has been decided by the High Court that these categories of tenants would not come within the scope of that definition. The necessity for the Ordinance has arisen in such circumstances. Though this category of tenancy prevails only in certain parts of Tiruchirappalli and may not prevail elsewhere, yet my information is that it applies to about 4,000 acres of land and that hundreds of tenants come under it. The difficulty about the definition of ‘cultivating tenant’ was taken advantage of by certain political parties which started an agitation and egged on the people to clamour for rights under the two Acts which I have mentioned. This demand was naturally resisted by the mirasdars not only on the ground that they were claiming something which they did not deserve but that they did not come under the definition of ‘cultivating tenant’. They also tried to evict the tenants and bring their land under pannai cultivation or personal cultivation, since they were aware that a legislation might be set in motion for putting a ceiling on holdings. This created a situation

[Sri M. A. Manickavelu] [15th February 1958]

in which there was not only a sort of economic and social disturbance but it disturbed the law and order position also. The Government watched the situation in the hope that it would settle down through the interference of officials, with the good sense of the tenants and the co-operation of the mirasdars. But it did not. It was developing into an ugly situation. So, the Government could no longer remain passive spectators. They had to take some action to see that there was no disturbance of the peace and that there was no interference with normal cultivation in those areas. The Government now give first priority to increased production of food. So, they cannot allow these squabbles between the mirasdars and the tenants to affect cultivation. It is in these circumstances that we issued the Ordinance clarifying the position. Though the category of tenants there cannot be on a par with other kinds of tenancy, yet they are in a way tenants, in the sense that they work on the land, depend on the land and are wedded to the land. Therefore, a certain amount of fixity of tenure is necessary for them. The very object of passing the Cultivating Tenants Protection Act was this. We cannot remain silent when hundreds of people are evicted and driven away from the land. Therefore, the Government thought that the definition of 'cultivating tenant' in the two Acts should be expanded so as to include these people also. They should also get a just and reasonable remuneration for their work and so, the Fair Rent Act also is applied to them. According to the Fair Rent Act, the whole of the cultivation expenses is sought to be borne by the tenant. Therefore, a clause has been introduced in this very Ordinance that inasmuch as the cultivation has already taken place, the cost of cultivation incurred by the landlord will be deducted. But, somehow, I understand Sir, that a misleading impression obtains in the area that without consideration of this, the 60 and 40 formula should be applied. The Government have, therefore, to clarify these points so far as the present harvest season is concerned. There are other small difficulties and all these must be gone into by the Joint Select Committee. That is why, Sir, we thought it fit to refer the Bill to a Joint Select Committee and I give the assurance that the Government will give detailed consideration to these facts and will come to a proper decision.

MR. CHAIRMAN : Motion moved—

“ That this House concurs with the Assembly in getting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1958 (L.A. Bill No. 1 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri R. Venkataraman.
- 2 Sri K. Balasubramanya Ayyar.
- 3 „ T. P. Srinivasavaradan.
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15th February 1958] [Mr. Chairman]

- 5 Sri T. S. Arunachalam.
6 „ A. Somasundara Reddiar.
7 „ A. Krishnaswamy Vandayar.
8 „ T. S. Sankaranarayanan Pillai."

* SRI K. BALASUBRAMANYA AYYAR: I am sorry, Sir, that I have to oppose the Bill with all the vehemence that I can command. This Bill . . .

* SRI P. S. KRISHNASWAMY AYYANGAR: On a point of order, Sir. In the papers I read a few days ago that a writ petition had been filed for a declaration that Ordinance No. 1 was void and that a temporary stay of the operation of the Ordinance had been granted. That is what I remember to have read. If the High Court finally decides that the Ordinance is null and void, then all proceedings that we are now conducting in this House will also become null and void. In these circumstances, shall we be in order when we take up this question now? Shall we stop here without proceeding further or shall we proceed with the consideration of the Bill? That is the point of order that I wanted to raise.

MR. CHAIRMAN: The discussion is not on the merits of the matter before the Court. The general discussion is on the principles of the Bill. The hon. Member Sri Balasubramanya Ayyar may continue his speech.

* THE HON. SRI M. A. MANICKAVELU: Sir, I may submit that the writ petition has been filed by certain parties concerned and that the stay operates only in the case of those people who have filed it. The stay is there as far as the parties are concerned, but the Government are considering the set-up of the agricultural sector. The question of legislation is there. The Court is there to interpret. I don't think that there will be any difficulty.

* SRI K. BALASUBRAMANYA AYYAR: Sir, this Ordinance was passed nearly nine or ten months after the decision of the High Court in April 1956. There was a session of the Legislature in October. It was after this that this Ordinance was passed and this Bill is now brought forward. It is very inappropriate and very wrong on the part of the Government to have done that. There was no hurry. On the other hand, what happened was that there was a riot in Peramoor. The riot was very serious because all the labourers there began to claim payment and right of tenancy. The very term "tenant"—I mean the exact expression "tenant"—is well known to mean a person engaged either expressly or impliedly to pay rent to the landowner either in cash or in kind and in exclusive possession of the land for cultivation purposes throughout the year. But here I am referring to the ordinary labourers claiming tenancy rights.

[Sri K. Balasubramanya Ayyar] [15th February 1958]

I have a friend who took 16 acres for personal cultivation and gave the rest to tenants. But, on account of the activity of the Communists, he could not get labour. All ordinary labourers began to claim 60 per cent of the produce. Unfortunately, people there could not do anything. They asked for a number of people in the neighbouring villages to come and work. Immediately there was rioting between the communities. That was what happened. Therefore, what I say is that we must be careful while dealing with the agrarian problem. Merely to say that old traditions die hard will not please anybody. Old people die hard.

You have made a clear distinction between the tenant and other persons in the Payment of Fair Rent Act. What I am saying is that there is no such thing as a "one-fourth" or a "three-fourth" tenant in law. The High Court, Sir—I am referring to the High Court only for this purpose—in a beautiful judgment analysed this fully. It has given a very succinct analysis of the position.

I may point out, Sir, that there are a series of operations in cultivation. If each of the persons engaged in those acts is to be termed "tenant", then nothing will be left to the landholder. For instance, there are the kaieruvaramdars and the matteruvaramdars. I am sorry to say that the Governor was not able to pronounce those words correctly. The Hon. Minister was not also able to pronounce them. And I am definite many others also cannot pronounce them correctly.

3-50
P.M.

Before 1955 these words were not known. It was only in 1955 on account of the actions of a Collector there, against whom the High Court made very strong observations, that these words came to be used. But the Government did not act on those observations. What happened in this particular case? Any officer who said that he was not a cultivating tenant was immediately transferred but in spite of that, the respondents themselves there stated what the nature of the case was.

Sir, the person who puts his hand to the plough is called *kaiaeruvaramdar*. If he attends to transplanting and weeding work—that is not part of his work and he cannot be compelled to do so—he is separately and additionally remunerated for such labour. Even that thing can be done by the womenfolk for which remuneration called *Minvai* at customary rates is given. This works out to one kalam per acre. This is not a share in the produce but is a fixed quantity dependent upon the extent of land on which these transplanting and weeding operations are carried out. In several of the taluks water flows freely into the lands and the distribution of water is made by *Thanneerkattuvaramdar*. He impounds water which is freely coming from the Cauvery and he gets one marakkal per acre. Watching is the responsibility of the landowner. All the responsibilities are his and all the rights belong to others. *Kaiaeruvaramdar* has nothing to do with that duty. The uniform evidence in the case is that if the crops from

15th February 1958] [Sri K. Balasubramanya Ayyar]

the fields are stolen or lost, the varamdars are not responsible. (Interruption from Sri Gajapathy Nayagar) I am here to say what the position there is.

Harvesting is done by the landowner himself and it is the responsibility of the landowner to engage coolies for harvesting the crops and the customary remuneration paid for such services is four marakkals per acre. The other operations in connection with the harvesting of crops such as *Poradi* are also the responsibility of the landowner who might engage his own men for the purpose. In some cases, the mattuvaramdars and kaiaeruvaramdars may assist the landowner in these operations but they must be given separate remuneration. After the harvest is over, the net produce of the harvest is calculated after deducting from the gross produce the several items remuneration paid or payable for the services rendered by other labourers in connection with the agricultural operations such as *Minvai*, *Thanneervaram*, *Kavalvaram*, *Aruvadaivaram* and *poradivaram*. These are all the operations. Cultivation consists of a series of operations. For each one, some name is given and some remuneration is given. Further it is stated in the judgment of the High Court as follows :—

‘I have not thought it necessary to refer specifically to the witnesses from whose evidence the incidents I have set out above have been gathered in view of the course of the arguments before me and also of the analysis of the evidence of the several respondents themselves before the Revenue Court, which the learned counsel in the case have compiled for me from which all these have been deduced.’

Therefore, all these facts are admitted in the High Court. Where is the engagement of tenancy? They are mere farm servants and they are remunerated.

Sir, there are 1,300 pattadars who own less than 20 acres. How can the Government fix the ratio of 60:40? It would only mean that the landlord cannot have personal cultivation and that he cannot have anything to do with the land. How can a person who does only ploughing work be given 60 per cent of the share? I say he cannot be given so much and he can be given only wages. But the landlords have been forced to pay such a share and they are thus driven away from the land. After all, these people are not tenants and the relationship between the landlord and the farm labourers should be that of a master and a labourer. Sir, the original Cultivating Tenants Protection Act was intended for one year but afterwards it was extended for three more years. It will be in force till September 1958. The Government may bring forward another legislation for the purpose of extending it for four more years. They may even put the Act permanently on the Statute-book. I do not want to say now anything about the policy of the Government in respect of this matter. But how can they immediately apply the provisions of this Act and fix the share in

[Sri K. Balasubramanya Ayyar] [15th February 1958]

the ratio of 60 : 40? They also say that the Act will apply to the present harvest done in this month of February. Who will ascertain the cultivation expenses? If the landlord says that it is 100 kalams, the other party will say that it is only 40 kalams. Who is to settle the issue? The Government have no machinery to settle it. Also, how can they apply the Fair Rent Act? If these issues are to be determined by the Revenue Court, five years' records should be brought there and a number of witnesses should be examined, and that will take three months. So, this machinery of the Government is entirely unsuitable to decide these issues of fair rent and cultivation expenses. That is why even without hearing the arguments, the High Court said that there was a *prima facie* case for the suspension of the Ordinance, especially section 5 thereof. Therefore, I would humbly request the Government to think of helping these people who are in trouble.

Sir, when a Member belonging to the Communist Party introduced a Bill in October 1957, the Government said that that Bill was not necessary and that they themselves would try to introduce it as a Government Bill. In this connection, I am reminded of the old story of the mother-in-law and the daughter-in-law. When a beggar came, the daughter-in-law asked him to go away. Immediately came out the mother-in-law who said that she had no right to ask him to go away and the mother-in-law herself asked the beggar to go away. That is the exact way in which this matter has been decided. The Government said that they would not accept a private Member's Bill but that they themselves would introduce the same Bill which is now before this House. Of course, there might be a slight difference.

DR. V. K. JOHN : Who is the mother-in-law? Is it the Hon. Minister concerned?

* SRI K. BALASUBRAMANYA AYYAR : I am not going to say who is this mother-in-law or daughter-in-law.

Father-in-law is not in the picture at all. (Dr. A. Sreenivasan : He has been liquidated.)

4 p.m.

Then, what has happened now? The Communists—these are facts and I am not exaggerating—now preach that the tenants should have symbolic possession and, therefore, they ask them to go and plant a red flag on the land and come out. They plant the red flag and say, 'I have already possession of this land' because, as a tenant, one 'should be in possession of the land'. Like an invasion, it is going on. I am not blaming the Government and I do not think our Government will ever be apathetic to a situation like that. I believe they have been apprised fully of all facts and all representations have been made to them. But immediately the High Court interfered in this matter they thought, 'There must be something wrong: let us have an Act passed which will settle the whole matter'. Well, the High Court had to interfere, for there was no other go. The evidence was clear and there was

15th February 1958] [Sri K. Balasubramanya Ayyar]

no contrary evidence. That was all the reason for their interference. The affidavit itself was clear. Therefore, I would appeal to the Government at least to suspend section 5 for the present, until the harvest is over. There is nothing wrong in that; nothing will go wrong. On the other hand, there will be some peace in the land. Otherwise, even ordinary servants employed for personal cultivation demand these rights. They are also poor and they are guided by these great leaders of thought and ideologies in our country. What are we to do? They go on egging on these people to agitate, promising them so many things. They tell them, 'We will get you 75 per cent while the Government have given you only 60 per cent.' 'If I put it at 75 per cent, the Government will give you 80 per cent' out comes a man on the platform and shouts. I am not suggesting that the Government will do that. But they are suggesting all sorts of things, and the people are poor and they have land-hunger. Even if you give them one or two acres, they will welcome it. The trouble will arise only when you hand over the land to them. For, who will give them seeds, who will give them manure and who will supply all the other necessities for cultivation? Therefore, it is necessary that there should be landlords. If you do not want to have 'landlords', you must have them as agents, for the Government themselves will not be able to cultivate. As already they are not able to manage their own affairs. That being so, how can they manage the other people's affairs? Let us not try to liquidate the class of landowners, by putting them to unnecessary trouble and subjecting them to useless laws. I am not blaming the Government. People are claiming all sorts of rights. They, as tenants, want so many things and the Government have passed legislation to satisfy them in many respects.

SRI A. M. ALLAPICHAJ: Even then the hon. Member opposed it.

* SRI K. BALASUBBRAMANYA AYYAR: Yes. Even now I oppose them. (Interruption by Sri A. M. Allapichai). For that purpose, if you and I should talk, we will talk about it, but let us go out. (Laughter). That previous law is extended up to September 1958 and they will bring it again for giving it further life and then I shall mention all my objections again.

Now, Sir, in all these matters it is better to have a fact-finding committee in the beginning. Let them appoint any person, an impartial man, of their own. I do not have any objection. Let them have a fact-finding committee to find out all the facts. Let them think over them for themselves and then proceed with any measure they want to take. Otherwise, they will be believing all sorts of things that are dinned into their ears—I am saving this to both sides of the House. I do not say that everyone will be always fair and impartial. Therefore, it is better to have a fact-finding committee. But if they appoint a person like Mr. Malayappan,

[Sri K. Balasubramanya Ayyar] [15th February 1958]

the Collector of Tiruchirappalli, that is impossible. Of course, I have nothing to say personally against him. But I have heard about the case where he asked some of the tenants who were usually obedient to the landlord to take their seats before him. This case was related to me by the agent of the landlord and, therefore, I am referring to it here. When the Collector asked the tenants to squat on the land, some of them hesitated and then the landlord asked the Collector's own peons to come and sit there on the next chair. The Collector objected, 'No, no. Why should they sit along with me?'. It is also the same case with tenants and landlords, though the tenants have been treated as 'our servants' and respected as such. That was the position before this case arose. Therefore, I say because these cases were started by the Collector, people with such mentality should not be chosen. When Collectors become politicians, administration will go bad. Fortunately, many of them are not so. I do not think of Mr. Gajapathy Nayagar and others. (Interruption by Sri A. Gajapathy Nayagar) I would very much regret if you are appointed Collector. I have no objection to your being appointed Judge.

SRI A. GAJAPATHY NAYAGAR: You must have faith in men.

* SRI K. BALASUBRAMANYA AYYAR: May be I have no faith. But I have faith in you. (Laughter).

SRI A. GAJAPATHY NAYAGAR: I asked a question, but you have not answered that and clarified things. You misunderstand me.

MR. CHAIRMAN: No, no. Do not put questions now.

* SRI K. BALASUBRAMANYA AYYAR: I tried to answer you, but if you are not satisfied, I cannot help.

Therefore, my appeal to the Government is to find out the facts of the situation first and see that peace prevails in that portion of our State. The five taluks bordering on the Cauvery are places producing a good deal of paddy. Therefore, let us not seriously interfere with production. There will be no peace there if this Bill is passed. Further, direction should be given to the Police to see that no trouble arises there until the present harvest is completed and the produce properly distributed. It is a public duty of the Government and I want them to discharge that duty. I have no lands myself there and I have no axe to grind.

Finally, I implore the Government to wait a little, as the High Court has already passed a suspension order. Let them wait until they settle all the rights of the parties and see that the harvest is fully shared by all the parties. If they do that, next year cultivation will go on in peace.

15th February 1958]

DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, Sir, when day before yesterday, in the course of my speech on the Governor's Address, I insisted on the Government withholding their hands from bringing in large-scale reforms, I never thought that within a couple of days, a flagrant instance like this would come to our notice. I strongly deprecate any Government doing things in the manner in which our Government are attempting to do now, simply because they have a majority behind them who will agree to all these measures.

There is another point. When the hon. Member Mr. Rajan was stating the other day that it would be desirable and that it was certainly a healthy practice that no High Court Judge should be the Governor of a State, I little realised how soon I would have to support him in that plea. I am shocked to find that this Ordinance has been signed under compulsion. I may say that the Governor by any volition of his own under the Constitution would not have done this. I am sure, Sir, nobody would have been in greater pains in signing this particular Ordinance than the former Chief Justice of the High Court of Madras.

Coming to the relevant points, I am aghast when the Government try to define a tenant. Tenancy and tenants are well-known expressions. Take the English Encyclopaedia—you will try to abolish that encyclopaedia—take the Tamil Encyclopaedia. I would ask the Hon. the Revenue Minister to find out what the exact definition of 'tenant' is from the Tamil Encyclopaedia that has been printed here. Here we are asked to state that a 'cultivating tenant' means "a person who carries on personal cultivation on such land, under a tenancy agreement, express or implied" and "any such person as is referred to in sub-clause (1) who continues in possession of the land, etc." and "in the Tiruchirappalli district"—mark the words "district of Tiruchirappalli", not any other districts—"Kaiaeruvaramdar or a Mattuvaramdar". Therefore, if I happen to send four *Madus* or bulls to a Tiruchirappalli landlord, I have the right to claim to be a tenant according to the definition here, and the Hon. the Revenue Minister knows what I can get out of that. Well, Sir, I have never seen a more strange piece of legislation in my life and the Ministers of Madras may be congratulated on presenting an Ordinance and converting it into law. (Dr. V. K. John : Why call it 'strange', call it 'stupid'). My hon. Friend always indulges in wrong expressions at the right moment. (Laughter). But knowing him as well as I do, I shall not permit my hon. Friend to be misunderstood. What I wanted to say is this. Is there any country in the world which will define a particular person, who is more or less everywhere, as a person restricted to a particular occupation in a particular district? What does Mattuvaramdar mean? I know of big zamindars like the Raja of Chellapalli, who had two thousand pairs of bulls and who would give them to various people, friends and others, so that they might cultivate the land with these

[Dr. A. Lakshmanaswami Mudaliar] [15th February 1958]

bulls. All these persons—the so-called landowners—will now become more or less persons under an obligation to the Mattuvaramdars. It seems to me that we are heading for a precipice. I make bold to say that this pretence of showing sympathy to the so-called landless men is merely a pretence on the part of many people for reasons which I need not go into. The whole structure of justice will be at the peril of these legislators, if we are going to sanction these things. I have no objection whatsoever to every person being given a proper remedy that he deserves. Let us share in an equal measure whatever is required to be shared. My esteemed friend the late Dr. C. R. Reddy once said, 'Democracy consists in sharing in an equal measure all the handicaps that we have got'. Where is the sharing of the handicaps here? That is the definition of democracy given by a very enlightened political leader, which deserves to be pondered over. In the socialistic pattern—and this word has stuck to the Government and cannot be removed except by an operative procedure—the Government feel that everything must be done so as to lead to destruction of everything that is valuable.

I have no doubt whatsoever from another point of view that the passing of this legislation would mean that in course of time the whole production of foodgrains will be jeopardised. It has already been jeopardised. To my knowledge many of the landowners have been selling away their lands. To my knowledge many of the landowners in the Tanjore district have been giving their lands, fortunately for a good purpose. I know collegiate institutions have sprung up from many hundreds of acres of these lands. Buildings are being put up. The whole country is in a state of extreme agitation. What are the Government thinking of? Are we going to bring about a certain amount of solidarity in society or are we going to just disrupt the whole thing and then say, 'We have sowed the wind; let others reap the whirlwind'? That is the position we come to. I tell you that it requires no imagination from anybody. The Government may speak in heroic terms about sympathy for the poor tenant. But I can tell them this. This poor tenant does not need their sympathy. He knows what to do. If the sympathy of the Government is well placed, they can have other measures to satisfy the tenants. I am not going to suggest that the tenant should not be supported or that he should not be shown sympathy. But giving the right to Mattuvaramdar for a share in the produce is something which goes against the very grain of anybody who has just a little bit of imagination and thinking power. I strongly support all that my hon. Friend Sri Balasubramanya Ayyar has said, and I hope that even now this Government will pause and consider. There is nothing wrong in waiting for two months and withdrawing the Ordinance. Let not Government beat a hasty retreat at the first sign of trouble in any one place. We must be firm and deal out justice. I do not want injustice to be done

15th February 1958] [Dr. A. Lakshmanaswami Mudaliar]

to those who deserve justice to be done to them. But they are, I am sure, flying out of the real trouble, the real position, and the real demands of the people, to cope with the situation, and rushing to others of which we are not aware. Step by step we have been slipping back. I am not suggesting that the landholder should have all the lands. Take them away if you like. Nationalise the land. And we knew what nationalisation means today. Do anything you like. But, on the other hand, if you once disrupt what you call the old state of society, and if certain people, who have been to a very large extent fed on foreign methods, believe that this is the best way to root out the bold peasantry that ought to be there to look after your land—this bold peasantry of Oliver Goldsmith includes not only the tenant but the landowner also, who, by mutual co-operation have so long made your fields so fertile and glorious—a day will come when you will not face it, but my children and your children and our grandchildren will face it and that day will not be a thanksgiving day for us from them. (Hear, hear).

* DR. V. K. JOHN : Mr. Chairman, while I strongly support the position taken by my hon. Friend Sri Balasubramanya Ayyar and the Leader of the Opposition, I very deeply sympathise with the position of the Government. My Friends do not seem to appreciate in what great difficulty the Ministers are. The Congress Government believe that they are there essentially for the good of the country. Their aim is good, and they must continue to be in power so that they may render good service to the public. I think they sincerely believe in it. But they have trouble from the Communists and the Socialists. I deal only with the Communists now, because the Hon. Minister referred to the agitation set up by them. Although the Congress have declared that their objective is the establishment of a socialistic pattern of society, they have to deal with the agitation from the Communist Party, and the Communist Party set up an agitation long after the High Court gave a decision. Now, this agitation the Congress Party cannot stand. They must do something to liquidate this agitation. My hon. Friend Sri Balasubramanya Ayyar put up the proposition that the Government might also say that labourers also were tenants and ask them to receive sixty per cent of the produce of the land. I am quite sure the Government will do that. If the Communists agitate that labourers should be given 50 per cent or 60 per cent of the produce of the land, the Government cannot help it. The Congress Party want to be in power. They want to catch the imagination of the large majority of the people. There is the adult suffrage. What is to be done? When the Communist Party set up an agitation, the Government must take the earth out of their feet. The Government must do something more than what the Communists do. I do not think there is any distinction today between the objectives of the Congress Party and those of the Communist

[Dr. V. K. John] [15th February 1958]

Party. Perhaps the Congress Party is more leftist than the Communist Party, but the unfortunate difficulty in which our Government are placed is that they have to liquidate the agitation of the Communist Party. I very deeply sympathise with the Government that while they believe that they are the only people who can deliver the goods and serve the community and the nation, they have to contend with these Communists who set up an agitation. This piece of legislation is to meet the agitation set up by the Communists. The Government cannot help it. There is no use of trying to persuade the Government to believe that this is not an equitable piece of legislation. This legislation is really a most expropriatory measure. This Bill is evidence of the fact that the Government had not fully investigated into the tenancies, when they passed the previous legislation a year ago. They have now brought in this legislation, which is expropriatory in character, because the Government are expropriating the landowner. But, Sir, one cannot understand how Government can introduce more than one tenant into a land. There may be in respect of one piece of land people who supply bulls, people who supply water, and people who plough the land. They are all wrongly described as varamdars. Are the Government going to give sixty per cent to every one of them? I interrupted Dr. Lakshmanaswami Mudaliar and said, 'Why do you not call this legislation a stupid legislation?'. The Government do not seem to understand to whom they are going to give this sixty per cent when there is a quarrel between the various varamdars. What is required of these leaders is to lead and not to be led. The Government must bring in a comprehensive agrarian reform. Do not destroy the greatest industry in this country. Agriculture is the occupation of 80 per cent of the people, and the Government will only destroy the agricultural industry if they create confusion, doubt, and uncertainty in the economic structure of the agricultural industry. This is what the Government are doing. I tell you that there is a simple way of solving the agricultural problem. I take pride in having studied the various agrarian reforms in all parts of the world. I tell you the simplest way of doing it is to make the actual cultivator the owner of the soil after paying just compensation to the landlord. You may give it in the shape of bonds or you can give cash. The Government may collect the money later from the tenants in annuities. Let the tenants work, earn money and then repay the money to the Government. It is not a question of charity. It ought to be rehabilitation, not relief. That is the way in which agrarian problems have been solved in all civilised countries in the world. If some person who is not a tenant and who is not a landlord wants to purchase some land for cultivation, it must be possible for him. For instance, in England there is the Small Holdings Act of 1926. This Act helps persons who want to acquire land. According to it, if a person wants to purchase some lands, say, 10 acres or so, he has to apply to the Local Body saying that he has got the necessary experience, inclination and the wherewithal to

15th February 1958] [Dr. V. K. John]

cultivate. The Local Authority acquires the land and gives it to the person. The point is that the Local Body pays the market price to the landholder and collects the same from the person concerned in very easy instalments. We should not fix a ceiling. The Government should not fix a ceiling, take away the excess and distribute the same to their friends who may not have the necessary experience and who may not cultivate the land at all. Let those who want apply to the Government for some acres of land. Let the Government acquire that land from the landholder concerned after paying the market price, allot it to the persons concerned and collect the money from them in easy instalments as is done in England according to the 1926 Small Holdings Act. There they collect it in a period ranging over 60 years. That is the best way of solving the agrarian problem and there is no other way. Even from the economic point of view, it is a waste to keep the relationship between the landlord and the tenant strained. We must always see that there is good relationship between these two. The tenants were getting 40 per cent of the produce. They agitated, and they were given 50 per cent. When they further agitated, they were given 60 per cent. Do you think that agitation will stop? No. They will continue to agitate and demand that they must be given 70 per cent, then 80 per cent and then 100 per cent. That is what will follow because of the present policy of the Government. There is no doubt about that. The Government can never stop the demand and agitation of tenants. The Communist friends are there and they are putting the Government in the wrong. They will begin to say that all the labourers ought to get a share in the respective industries. Everybody will begin to ask for a share in the produce. The Government will be compelled to oblige their Communist friends, because they are afraid that if they do not do so, they will lose votes and they may not come back to power.

THE HON. SRI R. VENKATARAMAN: But then, the other party will come into power!

* DR. V. K. JOHN: Whatever it is, I honestly and sincerely feel that the Government are of the opinion that it is only they that can serve the country well and that others cannot do it. It is not as if they want some money for themselves; they are great patriots. But, they think that they alone can serve the country well. They have introduced adult suffrage. They want that they alone must come back to power and that they should not allow the Communists to get more popularity than they themselves. That is the real trouble now and that is expressed also. I deeply sympathise with the Government who are in this bad position of having to compete with the Communist agitation. Everywhere they are in trouble, particularly in the agrarian field, and also in the industrial field. I only want to appeal to the Government not to expropriate people. That is one thing. Secondly, there should not be an uncertainty in so great an industry as agriculture in our country. Let us know where we stand. If they want to get rid of all landholders and

[Dr. V. K. John] [15th February 1958]

landlords and want to take away the lands from them and distribute them as they please, let them say so plainly and let it be understood by the people clearly. Why put a ceiling and all that? Remove all uncertainties. There is so much of uncertainty in the State that people do not know where they stand. I tell you the one object, the primary object of agrarian reforms is to get the largest output from the land. Do not take away your eyes from this wholesome objective. But, what the Government do now and are attempting to do hereafter in effecting a change-over will just have the opposite effect.

Sir, I am very sorry that the Government are bringing forward this kind of legislation to set aside the verdict of the courts. It is a wrong thing to do. It will earn a very bad reputation for any House to pass an enactment of this type to declare as nullity the decision of a Court of Law. It is a very wrong thing to do. If they go on doing this and take the time of the Legislature to set aside the decision of courts, they are going to destroy the independent Judiciary and set themselves above the High Courts and the Supreme Court. It is a very wrong thing to do. I think from that point of view, they ought not to have brought forward this legislation.

* THE HON. SRI M. A. MANICKAVELU : Sir, the courts have got every right to interpret the Statute. But, the Government, when they find that the Statute as it stands does not reflect their intention and object, have got a right to bring forward legislation. We have no quarrel with the courts. The courts have done their duty and we are trying to do our duty according to our light.

* DR. V. K. JOHN : The real truth is that the Government have waited for ten months. For ten months since that decision of the High Court was given, the Government have kept quiet. It is only when the Communists began to agitate that they woke up. That is the real point. So, there is no point in saying now that their intention was different.

* THE HON. SRI M. BHAKTAVATSALAM : It is not so, Sir. All these days, we have been trying to effect a settlement between the parties and in some cases settlements have been arrived at. But when some people were cantankerous and went to courts with writ petitions and obtained injunctions, settlement became impossible. Thus, in spite of the best efforts on the part of the Government, settlement became impossible. It is only under those circumstances that the Government had to think of a legislation like this.

(Deputy Chairman in the Chair.)

* DR. V. K. JOHN : Sir, I appreciate the very good work which the Government are doing in bringing about harmony between the landlords and the tenants and also between the labourers and their employers. But, I only wish to tell the Government that if they

15th February 1958] [Dr. V. K. John]

want to compete with the Communists when they set up an agitation, all their attempts will end in failure. This time the Communists started the agitation and the Government have brought forward this Bill. Even the Tanjore Pannaiyal Protection Bill was brought forward by the Government only after the Communists had started their agitation. The Government and the Party in power have always an eye on the votes and elections. That is the difficulty and trouble. They want to get votes and get re-elected and come to power. There is a feeling that they must see that the Communists do not become popular. That is why they are bringing forward a measure like this which is expropriatory in character. It is a wrong thing to do and it will bring them discredit. The Hon. the Minister for Revenue said that their intention was different. If that is a fact, they could have said that the decision was wrong and brought forward a legislation immediately after the High Court's verdict was given. So, that is not the real fact.

* THE HON. SRI R. VENKATARAMAN : That the interpretation of courts is to be consistent with the intention of the Legislature is the point made by my Hon. Colleague.

* DR. V. K. JOHN : Sir, the three Hon. Ministers opposite have practised the legal profession and I am sure they will know that the fundamental rule of interpretation is to interpret the language used. I would like to ask, 'Why did you not use the proper language when you drafted the previous Bill? Have you not got a drafting section? Has it not advised you properly?' If only they had taken care even in the initial stages and used proper language, there would not have been any necessity to bring forward this legislation after the High Court had given its verdict. That is my point.

THE HON. SRI M. A. MANICKAVELU : In that case, there will be no work for the courts and no work for the lawyers. (Laughter.)

* DR. V. K. JOHN : Does the Hon. Minister suggest that the lawyers thrive only on the mistakes committed by the Government? I do not agree. What I submit is that this kind of legislation will not bring any credit to a Legislature like this.

* SRI N. NAILASENAPATHI SARKARAI MANRADIAR : கனம் உப-தலைவர் அவர்களே, இந்த விஷயம் மிகவும் கவனித்துச் செய்யப்பட்ட வேண்டிய காரியங்களில் ஒன்றாகும். அக்கவிதான் மனோகாலை ஆய்வக் குழுவாக அனுப்ப உத்தேசித்திருக்கிறார்கள். விவராயி என்ற முறையிலே எவ்வளவோ நேரடியான கஷ்டங்கள் இருக்கின்றன. விவராயம் செய்வதிலேயும் எவ்வளவோ கஷ்டம் இருக்கிறது. உழைப்பைக் கொடுக்கின்றவர்களுக்கும் கஷ்டம் இருக்கிறது. ஒரு சமூக ரீதியாக அவர்கள் ஒன்று சேர்ந்து இருக்கின்ற காரணத்தினாலே விவராயம் நன்றாக நடந்து வருகிறது. விவராயம் நம் நாட்டில் இன்று, நேற்று வந்ததல்ல. தொன்றதொட்ட நாளாகவே இருந்து வருகிறது. மனிதன் உண்டான காலத்திலிருந்தே, நாம் பூமியை வைத்துக்கொண்டிருக்கின்ற காரணத்தினாலே, உழுது பயிர் செய்பவர்களுக்கும் நமக்கும் "பாந்தல்யம்"

[Sri N. Nallasenapathi Manradiair]

[15th February 1958]

இருந்த காரணத்தினாலே, விவசாயத்தறை பெருக்கிக்கொண்டே வந்திருக்கிறது. ஆகவேதான் இந்தக் காரியத்தை யோசித்துச் செய்யவேண்டுமென்று சொன்னேன். உற்பத்தி அதிகரிக்கவேண்டும் என்றெல்லாம் நாம் சொல்லிக்கொண்டிருக்கின்ற நோத்தில், இந்த மாதிரியான காரியங்களைக் கவனித்துச் செய்தால்தான் முறையாக இருக்கும்.

4-30
p.m.

இயற்றப்படும் சட்டம் நிசச் சொந்தக்காரர்களுக்கும் விவசாயிகளுக்கும் இடையே ஒற்றுமையை ஏற்படுத்தும் என்பதையும் யோசித்துப் பார்க்கவேண்டும். இப்படிப்பட்ட தகராறு இப்பொழுது திருச்சி ஜில்லாவில் மட்டும் நடக்கிறது என்று நினைக்கக்கூடாது. கோவையில் இந்தத் தகராறு வருமோ என்று கூட்டத் தோன்றுகிறது. இந்த விவாதத்தில் நான் பங்கெடுத்துக் கொள்ளவேண்டும் என்று நினைக்கவில்லை. பிறகு யோசித்துப்பார்த்துத் தீர்மானம். ஒருக்கால் கோவைக்கூட இது வந்துவிடுமோ என்று தோன்றியதால் இதில் பேசுவதற்கு முன்வந்தேன். இப்பொழுது இது குனித்தலையில் நடந்து கொண்டிருக்கிறது. அது கோவை ஜில்லாவிற்கு பார்டர் என்று சொல்லக்கூடிய அனலி இருப்பதால், ஒருக்கால் அங்கு வந்தாலும் வரலாம் என்ற ஒரு எண்ணம் எனக்குத் தோன்றுகிறது.

இப்பொழுது சர்க்கார் பல அணைக்கட்டுத் திட்டங்களை எடுத்து நடத்தி வருவதால், பல புஞ்சை நிலங்கள் நஞ்சையாக மாறிக்கொண்டு வருகின்றன. அதனால் இப்படிப்பட்ட தகராறு பலயிடங்களுக்குப் பரவக்கூடிய நிலை ஏற்படுகிறது. ஆகவே, புஞ்சை நிலங்கள் நஞ்சையாக மாறிக்கூடிய இடங்களில் எல்லாம் இது ஏற்படுவதற்கு இடம் இருக்கிறது. இதைக்கொண்டும் பார்க்கும்போது நான் ஒரு சொந்த விவசாயி என்ற காரணத்தால், நான் 100 ஜோடி மாடுகள் வைத்துக்கொண்டிருப்பதால், இதைப்பற்றி நான் பேச வேண்டியதாக இருக்கிறது. இந்தத் தகராறு நமது பண்ணைக்கும் வந்துவிடுமோ என்று தோன்றுகிறது. இப்படி 100 ஜோடி மாடுகளை திருச்சி ஜில்லாவில் வைத்துக்கொண்டிருந்தால், நிறைய சம்பாதித்துக்கொண்டிருக்கலாம் என்கூடத் தோன்றுகிறது. அதுவும் கஷ்டம் இல்லாமல். இந்தச் சட்டத்தைப் பார்த்த பிறகு அப்படிப்பட்ட ஒரு ஆசை எனக்கு உண்டாகிறது. ஆகவே இதை செலெக்ட் கமிட்டிக்கு அனுப்புகிறார்கள். அங்கே இதைப்பற்றி நன்றாக யோசித்து நல்ல முறையில் திருத்தியமைக்கவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். செலெக்ட் கமிட்டியிலும் சர்க்கார் விடுக்கொடுக்கத் தயாராக இருக்கவேண்டும். இப்பொழுது போட்டு விட்டாலும் பின்னால் அதிலிருந்து விலகுவதற்கு, வாபஸ் வாங்குவதற்கு, இடம் இருக்கவேண்டும். அந்த விஷயத்தில் எதாகிலும் நன்மையைச் செய்ய வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

அது மாதிரம் அல்ல, எவ்வளவோ பெரியோர்கள் பேசினார்கள். அவர்கள் ஒவ்வொரு விஷயத்தையும் நன்றாக எடுத்துச் சொன்னார்கள். விவசாயம் செய்வதில் எவ்வளவோ கஷ்டம் இருக்கிறது. இதைப்பற்றிப் பேசிக்கொண்டிருக்கும்போது நடுகிற பெண்களுக்கும் ஏதாவது சலுகைகளைக் கொடுத்திருக்கலாமோ என்று கேட்டேன். மற்றும் சண்ணீர் பாய்ச்சுகிறவர்களுக்கும் ஏதாகிலும் சலுகைகள் கொடுக்கவேண்டும். அவர்களுக்கும் சலுகைகள் கொடுத்திருக்கலாம். மற்றும் எவ்வளவோ பேர்கள் நோடியாக விவசாயத்தில் ஈடுபடுகிறார்கள். ஏற்கெனவே பல சட்டங்களைக் கொண்டுவந்திருக்கிறார்கள். என்னைப் போன்று நோடியாக விவசாயம் செய்யக்கூடியவர்கள் இப்பொழுதுள்ள நிலைமையைப் பார்த்தால் பண்ணையை வைத்துக்கொண்டு இருக்கிறவர்கள் எல்லா விதத்தில் தங்களுடைய பண்ணையை அபிவிருத்தி செய்வதாக இல்லையென்று தெரிகிறது. நல்ல பண்ணைகளை வைத்துக்கொண்டு விவசாயம் செய்து கொண்டிருந்தவர்கள்கூட விவசாயத்தில் அக்கறை இல்லாமல் இருக்கிறார்கள். தற்போது நான்கு ஏக்கர் வைத்துக்கொண்டு சொந்த விவசாயம் செய்கிறவர்கள்கூட அந்த நான்கு ஏக்கருடன் கூட்டி 1½ ஏக்கர் கூட வாங்குவதாக இல்லை. அப்படி வாங்குவதற்கு அவர்களுக்கு எண்ணம் இப்பொழுது

15th February 1958] [Sri N. Nallasenapathi Manradiair]

வருவதில்லை. அபிவிருத்தி செய்யக்கூடிய எண்ணம் எல்லாம் அவர்களுக்கு இப்பொழுது போய்விட்டது. மற்றும் தங்களுடைய நிலங்களை விற்றுவிடக் கூடிய நிலைமைகூட ஏற்பட்டிருக்கிறது. திருச்சி ஜில்லாவில் நல்ல முறையில் விவசாயம் செய்து வந்தவர்கள் கூட தங்களுடைய நிலங்களை விற்றுவிட்டுப் போக முயன்றுகொண்டிருக்கிறார்கள். யார் நாற்றுப் பிடுங்குவது, யார் தானியங்களை அடிப்பது, யார் எருப்போடுவது எனெல்லாம் கேட்கப்படுகிறது. இப்பொழுது பல இடங்களில் கதிர் அறுப்பதில் பல தகராறுகள் வந்து நிலத்திலேயே பயிர் சாய்ந்துபோய் தானியங்கள் எல்லாம் சேதமாகிக் கொண்டிருக்கின்றன. பல இடங்களில் பயிர்கள் அழிந்து கொண்டிருப்பதை நான் நேரில் பார்த்திருக்கிறேன். அங்கெல்லாம் எலப் பொந்துகளுக்குத்தான் தானியங்கள் போகவேண்டிய நிலைமை ஏற்படும். இப்படியெல்லாம் கஷ்டங்கள் இருப்பதால் இந்தச் சட்டத்தை யோசித்துச் செய்யவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். விவசாயத்தை நல்ல முறையில் நடத்துகிறவர்களுக்கும், சொந்தமாக நிலத்தை வைத்துக்கொண்டிருக்கிறவர்களுக்கும் ஒற்றுமையான சூழ்நிலையை ஏற்படுத்திக்கொடுக்கவேண்டும் என்று சர்க்காரை நான் கேட்டுக் கொண்டு என்னுடைய வார்த்தைகளை இத்துடன் முடித்துக்கொள்ளுகிறேன்.

* THE HON. SRI M. A. MANICKAVELU : Mr. Deputy Chairman, I admit this is a ticklish problem. But we have to consider the trend of the times. Inroads are now being made into property rights. It may be asked what right we have to say that a tenant should not be evicted from the land. The landowner is called a lord. He is the lord of the land and he has got sole proprietary rights. He can have anyone as his tenant according to his choice. But legislation has now stepped in to say that the tenant must have fixity of tenure. It is so here as well as in the neighbouring States also. First, we thought it might be there for a brief period. But, ultimately, permanent fixity has been given. The Constitution and the law courts have approved of this principle because it is in the interests of a vast majority of the people. I admit these are inroads into our proprietary rights. But the courts and the Constitution have said that these cannot be questioned. In such a situation, what the Government did was to see that the tenants were not evicted and that they had fixity of tenure. This cannot be done except by legislation. Now, Sir, I shall come to the point that the persons who are sought to be protected under this Bill are not tenants. It is stated that they are casual labourers. Others say that they are a sort of tenants. Some others say that they are full-fledged tenants. There is a difference of opinion about it.

(Mr. Chairman in the Chair.)

Sir, there are some people who plough with bullocks lent. They are called kaieruvaramdars. There are others who supply the bullocks also and they are called matteruvaramdars. There are also some people called 'neerkattis', who water the fields. There are cases in which all these functions are combined in one man.

SRI K. BALASUBRAMANYA AYYAR : They are remunerated for separately.

[15th February 1958]

* THE HON. SRI M. A. MANICKAVELU : Yes, they are remunerated for separately. These different pieces of work are done by different categories of persons and also by one man. In addition, they do weeding also for which they are remunerated. So, they have developed from mere casual labourers to very near tenants. Practically they do the whole cultivation.

DR. V. K. JOHN : May I ask if there are more than one varamdar supplying water, animals and the plough for the same plot of land?

* THE HON. SRI M. A. MANICKAVELU : Yes; that is why I called this a ticklish problem. When there is such a multiplicity of persons, difficulty arises as to who should be called the tenant.

DR. V. K. JOHN : You put lots!

* THE HON. SRI M. A. MANICKAVELU : That is why we request the help of learned lawyers in the Select Committee. There is a multiplicity of people and it is quite a problem as to who should be called the tenant. We cannot sit idle when there is an upheaval—economic, social and political—and allow the parties to do what they like. The Government were asked why they didn't bring in this legislation early. Now, the Government thought that the matter could be settled and they also made certain arrangements. The Hon. the Home Minister was there, and some others also visited the area.

SRI K. BALASUBRAMANYA AYYAR : The work was done very well. The work in regard to reconciliation was very good. You could have done similarly in this case also.

* THE HON. SRI M. A. MANICKAVELU : I thank the hon. Member for small mercies. The matter was actually settled. There were two political parties working there. One political party was the D.M.K. The other party is the Communist Party whose tactics are well-known. There was an incident in Musiri.

The Communists induced them and urged them to hoist the red flag on the land. They committed some atrocities there. We can't tolerate all that is happening there. That is a different thing. That is what I have been telling the House. The Government passed the previous legislation in order to see that there was no agrarian upheaval or agrarian unrest on account of their being ousted from their legitimate profession which they had been carrying on for generations. Now in implementing that policy, we come across certain difficulties. We honestly thought that the sort of cultivation prevailing there would amount to "very near tenancy stage". But on further elucidation, we saw this multiplicity of workers and all these difficulties.

But granting that these people do not come under the regular "cultivating tenant", does not the State owe a duty to the people to see that peace and calm prevail? It is only in this view that

15th February 1958] [Sri M. A. Manickavelu]

the Government have come forward to see that there is no unrest or that there is no danger to law and order. I, therefore, request the hon. Members to extend their co-operation and all possible help in this matter.

DR. V. K. JOHN : We can always look upon the Hon. Sri Manickavelu for co-operation and the Hon. Minister can also hope to have co-operation from all of us. (Hear, hear.)

* THE HON. SRI M. A. MANICKAVELU : Suppose there was a lock-out in a mill. The Government interfere to settle it. In the same way, here also, if the people deserve it, the Government come forward to give remedy in order to avoid agrarian unrest.

In certain countries there is the system of unemployment doles. People do not do any work. But still they give them the unemployment doles. In the same way, Sir, here also in order to avoid any big agrarian unrest, the people who work on the land, are made part and parcel of the land. Some relief has, therefore, to be given. The wages are paid to them by way of grains, i.e., crop sharing. We have to examine carefully, come to a proper decision and arrive at the proper legal phraseology, with the help of the eminent lawyers.

To claim 60 per cent irrespective of the fact that the landlord has borne all the cultivation expenses is wrong.

MR. CHAIRMAN : The question is—

“ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958 (L.A. Bill No. 1 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 The Hon. Sri R. Venkataraman,
- 2 Sri K. Balasubramanya Ayyar,
- 3 Sri T. P. Srinivasavaradan,
- 4 Sri T. V. Devaraja Mudaliar,
- 5 Sri T. S. Arunachalam,
- 6 Sri A. Somasundara Reddiar,
- 7 Sri A. Krishnaswamy Vandayar,
- 8 Sri T. S. Sankaranarayana Pillai.”

The motion was put and carried.

[15th February 1958]

4-50
p.m.(4) THE MADRAS PROHIBITION (AMENDMENT) BILL, 1958
(L.A. BILL NO. 2 OF 1958).

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I move—

“ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 Dr. V. K. John,
- 2 Sri Mohamed Raza Khan,
- 3 Sri John Asirvatham,
- 4 Sri K. V. Ramaswamy,
- 5 Srimathi Jothi Vencatachellum,
- 6 Srimathi Saraswathy Pandurangam,
- 7 Sri A. Subramanyam,
- 8 Sri M. Ethirajalu.”

Sir, the Government have had under consideration for some years past the question of amending the Madras Prohibition Act, 1957, with a view to providing for more effective enforcement of the provisions of the Act and also to removing difficulties experienced in the administration of the Act. Some of the more important provisions of the Bill seek—

(a) to make non-bailable certain offences like importing, exporting, manufacturing of liquors or intoxicating drugs, or rendering fit for human consumption any spirit, etc.;

(b) to provide for both imprisonment and fine, enhanced punishment in certain cases and also a minimum punishment for certain offences;

(c) to control and regulate molasses which forms the largest and most important base used in illicit distillation;

(d) to include in the Prohibition Act a reference to the provisions of section 15 of the Police Act, 1861, relating to the stationing of punitive police and levy of collective fines so that the inhabitants of any area may be cautioned against the commission, abetting, etc., of Prohibition offences, etc.; and

(e) to provide for obtaining of security bonds from convicted persons for abstaining from the commission of similar offences in future.

Sir, I believe that so far as this piece of legislation is concerned, there can be no controversy over the main features of the Bill which is to be referred to a Joint Select Committee. If I am not

15th February 1958] [Sri M. Bhaktavatsalam]

misunderstood, I wish to say that the other day the other House passed this motion without any discussion at all. Not that I suggest that hon. Members should not indulge in any discussion at all but I do hope that this motion will have an easy passage.

MR. CHAIRMAN : Motion moved—

“ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 Dr. V. K. John,
- 2 Sri Mohamed Raza Khan,
- 3 Sri John Asirvatham,
- 4 Sri K. V. Ramaswamy,
- 5 Srimathi Jothi Vencatachellum,
- 6 Srimathi Saraswathy Pandurangam,
- 7 Sri A. Subramanyam,
- 8 Sri M. Ethirajalu.”

* DR. V. K. JOHN : Mr. Chairman, Sir, at the outset, let me say that I am not speaking on behalf of my party but I am speaking on my own behalf. Although Prohibition could be implemented and it is a good thing for the people, I personally consider that the time has come for re-examining this question of Prohibition in many parts of the country and particularly in the Madras State. We have had Prohibition for many years now. The other day my hon. Friend Mr. Balasubramanya Ayyar pointed out that there was hardly any public co-operation in enforcing Prohibition. I myself have been a Member of the Prohibition Committee convened by the Collector of Madras and the other day I was told at the meeting of that Committee that there were about 5,000 people in the City who committed Prohibition offences, that the same people went to jail and came out of it again and again and that there were hardly any newcomers. I suggested that a sub-committee of three persons be formed and that that committee should visit these people in the jail and find out why they were committing these offences. This was agreed to and I understand the Collector wrote to the Government and got permission for that purpose. Therefore, Sir, I feel that a committee should investigate into this matter and find out why Prohibition is a failure and whether the remedy lies in enforcing it more strictly or in something else. Now, I am told by many people that those who are engaged in illicit distillation—which has become a cottage industry now—escape being prosecuted or punished. They have got their agents, poor persons with large families, who are put forward as offenders, convicted and sent

[Dr. V. K. John] [15th February 1958]

to jail. I think it is high time that a Committee or Commission were appointed to go into the whole question, and legislation should come later on.

Sir, the Ramamurthi Committee has reported that Prohibition has ceased to prohibit persons from drinking and that illicit distillation has become a cottage industry. Sir, we must make a distinction between drinking and being drunk and those who are engaged in illicit distillation. I am strongly of the opinion that we must do everything possible to prevent bad stuff being manufactured and sold. But I am not quite sure whether we must prevent all drinking. We cannot impose certain virtues or certain things which we consider to be virtues by legislation. Public opinion must be behind it. This has been experimented in many places and it has been a failure and it has led to demoralization. Man wants to drink and the Government say, 'Do not drink'. Man wants to smoke and the Government say, 'Do not smoke'. Then, he tries to evade the law. After all, in drinking toddy, there is nothing wrong if it is not drunk in excess. It gives Vitamin B and that is what doctors say. (An hon. Member: How can we prevent excessive drinking?) We are accustomed to rationing and we can ration the quantity of drinks to be served. In England, I understand, the problem is solved by diluting liquor. There the people gather in clubs and drink. All over the world is there any country where the longevity is very high? After all, our longevity is 26 years. Also, is there any country in Europe or in other parts of the world including America where there is total Prohibition? The Government must consider the merits of total Prohibition and partial Prohibition. Partial Prohibition may achieve the object which we have in view, viz., prevention of drunkenness. But total Prohibition may lead to demoralization . . .

SRI A. M. ALLAPICHAJ: Why does the hon. Member want to control even excessive drinking and why should not a citizen be allowed to drink as he pleases?

* DR. V. K. JOHN: I can understand it. We should not interfere with the private freedom of the individual unless that freedom is exercised against the security or interest of the State or his own interest. If a person is allowed to drink in excess, it is not in his interest and the State can interfere. If it is not in excess, in my opinion, the Government ought not to interfere.

5.00
p.m. Now, I come to another point. Have we a consistent policy in the matter of Prohibition? Sir, even in the capital City of Delhi, there is no Prohibition. In Hyderabad, there is no Prohibition. In Bangalore, there is no Prohibition. So also in certain other States there is no Prohibition. Sir, when the Bill to exempt members of the fighting forces including the Navy and the Army from the Prohibition Act was before this House, the Hon. Minister concerned in reply to my question said that the directive came from the Centre. So, there is no consistency in the policy of the Government. We have given it a trial—I do not call it fad—and

15th February 1958] [Dr. V. K. John]

it is high time that we re-examined the whole matter. I think excessive drinking is bad. At the same time, have we been able to prevent illicit distillation? Had we so much illicit distillation at the time when there was no Prohibition? Had we so much drunkenness? I do not think we had any such thing. The point is that the Government should not be obstinate in respect of this matter and that they should appoint a Committee like the Ramamurthi Committee to examine the whole matter. The Ramamurthi Committee went to various places and took evidence. Sir, in Salem in one hour's notice, we can get any quantity of drinks. Therefore, I feel that instead of trying to pass this legislation, to enforce Prohibition more strictly, the whole question should be thoroughly examined. I say that this policy which we have adopted should be re-examined to see whether it has succeeded or whether it will succeed. I personally think that such an investigation, an overall investigation should precede any legislation. Therefore, I am against this legislation being introduced without an exhaustive enquiry by a committee appointed by the Government to go into this matter. In this connexion, we may also make use of the recommendations of the Ramamurthi Committee on which there were High Court Judges also. They recommended that Prohibition should be scrapped. Let us go into a Committee and see whether we have been successful. We have an objective in view. Let us see whether we have achieved that. Let us see whether we are going to do something which will be further defeating the objective which all of us have in view. The Government may now consider the question of appointing a committee to go into the matter and the committee touring all round, every district, may examine Police officers and people engaged in illicit distillation and find out why this is done and whether it can be prevented. Why do people take to illicit distillation? I personally think that it is impossible to enforce a virtue by any legislation.

* SRI A. M. ALLAPICHAJ : Mr. Chairman, Sir, if Dr. John had not spoken, perhaps, I would not have risen to speak. (Sri Mohamed Raza Khan : He provoked you to speak.) Now, Sir, it has almost become a fashion to say with reference to this, that 'Prohibition has failed'. Sir, it is a very wrong statement of fact. While admitting everyone of the arguments advanced by the hon. Member there, I still maintain, with all the emphasis at my command, that Prohibition has not failed.

Sir, at the time when Prohibition was introduced, the whole Harijan community was addicted to drinking—not merely the Harijan community, but other communities and all labourers also, and the number of people drinking ran into lakhs. There is no doubt about that. Well, I have no figures, but nobody would dispute the fact. Formerly, the Government were getting a large revenue by way of taxation on toddy. I am not aware of the exact amount; perhaps, it was Rs. 18 or 20 crores. (Sri Mohamed Raza Khan : Rs. 12 crores in 1947.) Well, that is a big amount. If that sum of Rs. 12 crores is multiplied by 5 or 6, we can understand what

[Sri A. M. Allapichai] [15th February 1958]

that means. Many of our poor people were wasting their money upon this drinking formerly. Therefore, there is no use of saying anything against Prohibition. But now our friends say that Prohibition has failed. It has almost become a fashion to say like that. But big people and leaders like the hon. Member Dr. John and some other leaders should realize the effect of it on the public when they talk in this fashion. People outside would feel that there is nothing wrong in drinking, that the Government have come forward with some kind of unnecessary legislation, and that the Government are engaging themselves in stupid and foolish things. Thus their talks become an indirect encouragement to the people. Of course, it is a fact that there is too much of illicit distillation.

As a criminal lawyer, I know (laughter) that there are a large number of cases in every Court. That frightens the people. A large number means this. It may be about 100 or 200 and if you collect all the cases in Court, the number may not exceed a few thousands. But when compared to lakhs and lakhs of people who were drinking before Prohibition, this is nothing. This is also due—the Government will please excuse me—to the fact that these things bring some money, quick money to the people. If they invest about five or ten rupees, they would get about Rs. 30 a day. The people in charge of controlling it also get a few rupees. If some people say that Prohibition has failed, it is because certain of our own servants do not do their job properly and this is particularly the case with our Police Department. Some offences like murder do not often take place, because people commit murder in an impulse, in a moment of weakness and, therefore, they are few and far between. But offences like pick-pocketing, where there is some gain, occur often. Even if the culprit is punished a hundred times, he will go on committing the offence. In all sorts of places, people are engaged in illicit distillation. Why? Because there are all kinds of mamools and people making Rs. 30 or Rs. 40 a day pay some fixed amount to the authorities, thus evading arrest and other such things. Even if higher authorities were to go there, they get advance information and prepare themselves to avoid them. Therefore, I say if there is failure, that it is due to some of our Police servants who are not doing their job properly.

5-10
p.m.

There is another thing. When an old man or old woman is caught and punished, is it not possible for the Police to know from that person all about illicit distillation in that area? (Interruption.) Well, it is being done now. Through these people, it is possible for the Police to find out the real culprit. If the Police make it clear to these people that this is an offence, it will stop in a day. There is no doubt about that.

My friend says that there are drink addicts. Somehow or other, we really sympathise with them. But there is one thing. The future generation is completely saved.

DR. V. K. JOHN : What about the future generation in other parts of the world?

15th February 1958]

* SRI A. M. ALLAPICHAI : How are we bothered about what America does?

DR. V. K. JOHN : What about Delhi?

* SRI A. M. ALLAPICHAI : Even supposing Delhi has no Prohibition, how are we bothered about it? We will have Prohibition all over in due time. The one thing is that the future generation is saved. We do not know that some of our poorest people have got jewels. The poor rickshawallahs, who never used to have money in their pockets, now have money. They have their own rickshaws. They put on decent clothing. It was easy to get votes from these men previously. Now these people have begun to talk politics. They are able to know the good and bad points of the parties.

DR. V. K. JOHN : Is it because they do not drink?

* SRI A. M. ALLAPICHAI : Surely, Sir. It is because they do not drink. When once they drink, they become a degraded set of people. If our people without education and without proper training and without the other necessary things, take one or two glasses of toddy, all evil things will come up.

DR. V. K. JOHN : Has the hon. Member tried it? (Laughter.)

* SRI A. M. ALLAPICHAI : What are these questions, Sir? (Laughter.) I have not tried it. I shall never try it. (The Hon. Sri R. Venkataraman : Please do not start confessing.) Sir, the Police people must be firm. They must discover the people who really do it and not the people whom they use for making money.

Sir, I have spoken all that I wanted to speak. I say that Prohibition has not failed. It is very nicely succeeding in spite of all that has been said by friends like Dr. John. He is giving some kind of indirect encouragement to anti-social fellows. So, we must be very careful when we pass Bills like this.

* SRI K. BALASUBRAMANYA AYYAR : Sir, I do not want to speak for long. I feel that Prohibition has benefited the poor. I say this from my experience with a large number of servants working in our farms. Especially the women have been greatly benefited. Women now feel that they are able to get money. Formerly they were not getting it. All the wages the men got formerly went straight into the toddy shop. Everyone was getting Rs. 1-8-0 or Rs. 1-4-0 per day, and the whole of this money went into the toddy shop. The rich and the educated men and the people in the towns might be responsible for many things, but Prohibition has actually benefited the poor. It is only for the sake of the poor that the Hon. Sri M. Bhaktavatsalam is tightening this measure. I can testify to the fact that all our farm labourers are benefited by this legislation. Formerly I used to apply for licences on their behalf for toddy in our village, because without drink they would not work. Therefore, then we encouraged drinking. That is a

[Sri K. Balasubramanya Ayyar] [15th February 1958]

fact. The mirasdars encouraged drinking by these labourers. But then the women were suffering. All the earnings of the men went to the toddy shop. Let us not be selfish and let us not think that drink is good. Dr. John asked, 'Why not toddy?' Toddy is not so injurious as wine, but the difficulty is that the whole earnings of the men go to the toddy shop. The drink, of course, produces some kind of exhilaration. I cannot say that it does not produce it. I have seen men dancing after a full dose of drink. We cannot deny this. But the difficulty here is that the amount is fully utilized for purchasing toddy. The womenfolk can have no money with them. That is why Sri C. Rajagopalachari brought in this Prohibition then. I repeat that this reform has helped the poor. In Bangalore and Pondicherry there is no Prohibition, and people go there to drink. How to prevent this? I hope the Government will examine how to prevent this. I cannot give any advice to Government. It is a matter which has to be enquired into by the Government. Every Friday people go to Pondicherry and Bangalore for drink. They return on Monday quite fresh! There is this difficulty to overcome. How to prevent smuggling of liquor? This is another difficulty. Then there is the illicit distillation. Dr. John asked, 'What is the harm in drinking toddy?' The difficulty is that all the money earned by the men go to the toddy shop. That is why people in all places want Prohibition. The difficulty in making Prohibition a success is this. In Bangalore and Pondicherry there is no Prohibition, and people smuggle large bottles of wine in motor cars, which are sometimes seized by the Police. Doctors also must be very careful, because the people who are addicted to drink take poisonous substances which injure their very lives. Many people have died actually. This also must be prevented.

Lastly, Sir, so far as the medicinal preparations are concerned, I would like the Government to go into the question of exempting the various Ayurveda Asavas. The difficulty there is that if we fix a percentage of alcohol, sometimes they do get beyond this percentage. This is a matter which has to be examined. They must not utilize the preparation for wrog purposes. But genuine preparations certified by registered medical practitioners need not be objected to. We need not insist on licences in such cases. We may allow the Ayurveda and Siddha preparations, which contain some percentage of alcohol. Instead of fixing the percentage, it is better to know the nature of the medicine and have it certified by a medical man. This is a matter of detail which we can settle. There are three things to make Prohibition a complete success. The first is the prevention of illicit distillation. Then there is the prevention of smuggling of liquor from Bangalore and Pondicherry. Lastly, the takking of poisonous drugs by addicts must be prevented. If all these are tackled satisfactorily, and if the Police also discharge their duties properly, I hope and trust that Prohibition will be a complete success. A day will then come when the whole of India will have Prohibition, which will please the soul of the great Father or our Nation who was responsible for our Freedom.

15th February 1958]

* SRI P. T. RAJAN : Mr. Chairman, the question of drinking can be considered from constitutional point of view, political point of view, practical point of view and last ideal point of view. From the ideal point of view, I certainly feel that if people can dispense with drinks, surely everyone should wish for that. Whether it is practical or not is a different question. From the constitutional point of view, it may be said that everyone has got a right to do what he wishes provided it does not become a nuisance to others. The man may sit at home and consume bottles of brandy, whisky or other drinks, without being a nuisance to the public and without being a nuisance to his neighbours. So long as he can do that, certainly Government cannot pry into the personal affairs of that man. From the political point of view, Sir, it has been the policy of the Congress to go in for total Prohibition. For some time, moderate drinking (An hon. Member : Temperance !)—thank you for supplying the correct word—temperance was advocated. Later they decided that they must go in for total Prohibition. The question now is whether it is practical to achieve this. We have to consider whether they have secured success in this regard even after ten years of their being in office. Have they secured success at least to some extent? (Sri Mohamed Raza Khan : 90 per cent !) If the hon. Member Sri Mohamed Raza Khan could talk with authority, with facts and figures, I may accept that. But, he is as much a stranger to these statistics as I am. (Laughter.)

5-20
p.m.

DR. V. K. JOHN : What about Sri Allapichai?

* SRI P. T. RAJAN : Sir, I believe I am not divulging a secret when I say that the Hon. Minister in the course of a talk with me said that he was going to make an earnest attempt at least in one or two districts. To begin with, I believe he made that experiment in his own district. The year is not yet over. Let him try that experiment for one more year and then come to us and say to what extent he has succeeded. If he has really succeeded, we must congratulate him and stand by him and see that the evil is reduced to the minimum. For the present, I must say that illicit distillation has become a cottage industry. Now, our womenfolk also have taken to drink and occasionally children also are given drinks. People who want to become rich quickly have taken to this business in the mufassal. How are we going to deal with this problem? The subordinates, in their enthusiasm, curtail the freedom and liberties of the people. The rights and liberties of the people must be safeguarded. Sometimes, in their enthusiasm to enforce Prohibition, the subordinates take the law into their own hands and do what they like. I believe that even the womenfolk are treated very badly and sometimes beaten too with a view to getting information as to where this illicit distillation takes place. However, if you keep a watchful eye, the womenfolk can be saved from this harassment. After all, I am not for or against drink. I do not make a fetish of it. If a man wants to drink, let him do so by all means. If he should consider it necessary for him,

[Sri P. T. Rajan] [15th February 1958]

why should we stand in the way? I want the Government to take a practical view. Let them take all steps, spend more money and engage more staff. Let them carry out the experiment for a period of two or three years. After that period, let them come to us, and tell us what the result has been. I do not want to prevent them from doing the right thing. If they can keep the people—rich and poor alike—away from drink altogether, it is a good thing. If they cannot do this, what they should do is that they must see that there is no abuse of power and that people do not drink all sorts of foul things, which will tell upon the health of not only the present generation but also the coming generations. That is the only caution I wish to give to the Government. In their attempt to make Prohibition a success, we wish them well. Let them come to us after a year or two. No doubt, in exceptional circumstances the Government have given permits. If they want Prohibition to be a success, let them go ahead. Let them come to us afterwards and tell us whether they have succeeded. If we are satisfied that they have succeeded, we will ask them to go ahead further. Thank you, Sir.

SRI MOHAMED RAZA KHAN: Sir, I want to say a few words. In the usual course, I would have been happy to oblige the Hon. the Home Minister by not speaking on the Bill and agreeing to the motion moved by him without any discussion. But, the hon. the Deputy Leader of the Opposition has thought it right to say something and naturally the hon. Member Mr. Allapichai could not resist saying a few words born out of his conviction. When the hon. Member Mr. Allapichai was speaking, it was quite obvious that he was speaking with a deep conviction. So, I too thought it necessary to say a few words on this occasion. In 1937, Prohibition was introduced for the first time in Madras and Madras gave a lead to the whole of India. As I said, it was born out of sheer conviction. Later in 1946 or so, there was a persistent demand born out of political factors or a sincere desire that the entire State should become dry. Thus, Prohibition was introduced throughout the State which resulted in a loss to the State Exchequer to the extent of Rs. 10 or 12 crores. Apart from the fact that we spend a good deal of money on enforcement, it is now too late in the day to suggest that Prohibition should go. We have had this now for twelve years. May be, there is illicit distillation. But I do not agree with my colleagues that this is the only cottage industry in Madras. This is a cheap joke we have been indulging in for long. The craze for making easy money and lack of employment opportunities, as was pointed out by the Deputy Chairman, might perhaps be responsible for this industry thriving. Whatever it is, our attempts should be in the direction of stricter enforcement. However efficient the enforcement machinery be, 100 per cent success is not possible. I would feel happy even if the success were eighty per cent, and I dare say it is really a success to that extent. The Act has been amended several times in the past and it is only in the last two or three years that we see the

15th February 1958] [Sri Mohamed Raza Khan]

Police have been very vigilant particularly in the belt areas. Then, Sir, there have been, as was mentioned by the hon. Member Sri P. T. Rajan complaints of excesses committed by the Police. I do feel that it is not possible to prevent them completely. I would only say that attempts were being made to prevent excesses on the part of the Police. Anyway, when this Bill goes before the Joint Select Committee, the Committee will certainly see to it that those provisions which are very rigorous are toned down. As far as the object of the Bill is concerned, I do not think anyone will differ fundamentally. The hon. Member Sri P. T. Rajan also referred to another matter, which again relates to enforcement, and made certain suggestions. I agree with him that apart from our being called upon to consider the Bill in the Joint Select Committee, it would be better if one or two officials who believe in Prohibition are asked to tour the State and find out how the Act works and to suggest ways and means for its effective enforcement. I do not want to take the time of the House to explain how far the reform has been beneficial. Enough if I say that it has come to stay. Our efforts should be in the direction of best enforcement. I had thought that the Hon. the Minister for Home would tell us how the administration of Prohibition had worked after it had been taken over by the Police Department but he did not say whether it had helped or hindered detection of offences. I am sure, when he replies, he will tell us something about this also.

DR. MAHOMED USMAN : I should like to ask whether the right of giving certificates to people who, for health reasons, require alcohol, which is now enjoyed by the practitioners of allopathic medicine is extended to the graduates of Indigenous Medicine.

THE HON. SRI M. BHAKTAVATSALAM : I do not think that medicine is extended to the graduates of Indigenous Medicine.

DR. MAHOMED USMAN : Will the Joint Select Committee consider that aspect also?

THE HON. SRI M. BHAKTAVATSALAM : It is, of course, open to it to consider these questions also.

DR. MAHOMED USMAN : That is why I made the suggestion.

* SRIMATHI MARY C. CLUBWALA JADHAV : Sir, I rise to speak on the Bill in so far as it may relate to children. A previous speaker, Sri P. T. Rajan, spoke about illicit distillation and the exploitation of women and children in the process. In the City of Madras, this business goes on on a large scale and liquor is sold everywhere. I speak with the experience of a magistrate of the juvenile court, when I say that in the last six months, there has been a reduction in the number of juvenile cases pertaining to Prohibition. At one time, nearly 25 per cent of the cases coming before juvenile courts were Prohibition cases. This illicit liquor used to be conveyed in bottles, 'Dalda' tins, kerosene tins and cycle tubes. Of course, there was always someone behind, an adult, and the Police do not book such people exploiting the

[Srimathi Mary C. Clubwala Jadhav] [15th February 1958]

children. Through the children, we generally fine the parents. These parents appear in tatters and rags and are unable to pay the fines imposed by the court. If the children come a second time, they are either put on probation or sent to a certified school. Often the cases are contested in the High Court and sometimes the cases are won also. There must be stricter enforcement of the Act. Otherwise, children will suffer more. In this connexion, I would regretfully point out that the Hon. the Minister for Home is yet to introduce the Children's Bill for which we have been pressing for long. I think that would be introduced soon. About the adults who exploit these poor children, I would request the Committee to take serious notice of it and suggest ways and means to see that they are also brought to book.

Thank you, Sir.

* DR. A. SREENIVASAN : Sir, I am not going to speak in the capacity of a medical practitioner regarding the injurious effects or otherwise of drinking on the human body. Medical opinion seems to be divided on that. Therefore, I am not entering into that point now. But there are people who are under the impression that alcohol produces what is called cirrhosis of the liver—மேகாநாசம் in Tamil. I have seen several people who take a lot of alcohol and who still do not suffer from this disease. On the other hand, I have seen veritable pundits who have not pronounced the word 'alcohol' properly suffering from cirrhosis of the liver. Therefore, in countries where large quantities of alcohol are consumed by the people, cirrhosis of the liver is not at all common.

THE HON. SRI R. VENKATARAMAN : It is a great comfort for the drinker?

THE HON. SRI M. BHAKTAVATSALAM : He knows it better.
(Laughter)

* DR. A. SREENIVASAN : Another important point is, some people say, alcohol is poison to the body. It is not so. On a previous occasion, while speaking on the Governor's Address, I think, I told the House that the body itself, for its own purposes, produces a small quantity of alcohol which has got a biological function, in the absence of which certain reflexes do not work.

SRI K. BALASUBRAMANYA AYYAR : Can't drink potfulls.

* DR. A. SREENIVASAN : I entirely agree with Mr. Balasubramanya Ayyar that it does not mean that we should drink potfulls. What I say is this. Drinking is different from drunkenness. Let my friend, Mr. Balasubramanya Ayyar take four or five tumblers of 'Pal Pavasam' at a stretch. He will start vomiting, even though 'Pal Pavasam' is good. Even if it happens to be Nectar, the stomach will not be able to retain it beyond a certain limit. We are talking much about ordinary people who occasionally take a glass of whisky or brandy or beer. It is not possible for anyone to moralise on things. You can lay down any law you like. Nothing will improve the people. You have intro-

15th February 1958] [Dr. A. Sreenivasan]

duced hanging for murder. Have you stopped murder? You may put people in prison; yet, you will not be able to stop murder. Human nature being what it is, it is impossible to convince man that he must do this or that, unless the realisation comes from within. He has to realise which is good and which is bad.

THE HON. SRI M. BHAKTAVATSALAM: I would like to know whether the hon. Member suggests the repealing of the Indian Penal Code? (Laughter.)

* DR. A. SREENIVASAN: I do not say that. I say this on analogy. Hanging must not be stopped. What I am saying is whether to stop hanging or not is for the jurists and the Government to decide.

We are talking to-day about Prohibition. Prohibition has been introduced in Madras State. There are other States where it has not been introduced. Take, for instance, West Bengal. In West Bengal, there is a Congress Government as good as in Madras. There is no Prohibition there. But in Madras you have introduced Prohibition. It is because, Sir, there are some faddists here. It was introduced in the Salem district itself. What has happened in the Salem district? The largest amount of drinking has taken place.

The other day my friend, a District Magistrate, made some observation about drunkenness. Because of the introduction of Prohibition, there is illicit distillation on a large scale, even in the very Salem district, where it was introduced at first.

Sir, as a student of psychology, I want to tell the Government very effectively—with all the force at my command—that it is not possible for any human to inflict opinion on another. He can never be reformed. The reform, whether it is good or bad, should come from within him. The man must be self-reliant. He must have introspection and understanding of the man in this society. Therefore, to say that I will introduce Prohibition overnight is just like a rabbit being produced out of a hat. It is not possible.

Then, Sir, regarding the remark of the hon. Member Sri Balasubramanya Ayyar that Harijans are very well off after the introduction of Prohibition, I want to tell you how they are economically better off. Previously a man had to pay ten annas for a pot of toddy. Now, he himself manufactures it. There economy comes in. He drinks it and also sells it to others, to his neighbours. I am also conducting research on liquor. Perhaps, I may tell the Hon. Minister privately about it.

The other day the Leader of the House said how illicit distillation had grown largely, in the case of gardeners. Gardeners were really engaged in illicit distillation. I had a gardener. I was paying him thirty rupees a month. One day he suddenly disappeared. One day I caught him and when I asked him why he disappeared, he said, "Sir, you pay me Rs. 30 per month. If I invest Rs. 5 in illicit distillation, I make Rs. 30 a day out of it".

SRI K. BALASUBRAMANYA AYYAR: Perhaps, your gardener took inspiration from you? (Laughter.)

[15th February 1958]

* DR. A. SREENIVASAN : He is a wiser man, wiser than all of us here.

Another important matter to which the hon. Member Sri Mohamed Raza Khan referred is labour. There is difficulty in getting labour, Sir. I am talking with the utmost sense of responsibility when I say that it is difficult to get agricultural labourers now. I know of a friend who has got land about thirty miles away from Madras. His paddy is ripe. He has not got enough of people for harvesting the paddy. The reason is that most of the labourers who were hired by him have taken to illicit distillation. That is the point. I am not saying this for argument's sake. I think nobody can charge me with any such thing. Only when I am fully convinced, I talk. It is my duty to say what I feel before this House. There is no use of having blinkers. It is better not to have blinkers. You should not talk like school teachers preaching precepts. We will have to talk like practical men when we consider whether Prohibition has been a success. I say Prohibition has not been a success. Illicit is going on on a large scale. But you still say that Prohibition is a success.

Then, again, Sir, when other States in India do not enforce Prohibition, I cannot understand why in Madras, they must be so very vehement about its enforcement. The Hon. Minister is under the impression that it is a success and that he will be able to stop illicit distillation. Let us wait for two years and see and I hope the Hon. the Home Minister will also continue in office then.

When you say that Prohibition is a success, you must look at it from a practical point of view. By saying "honesty is the best policy", nothing will be served. You may simply write it and lick it up. The hon. Member Sri Balasubramanya Ayyar is a faddist. We have somayagam. Sir, from time immemorial this drink has been there. Even the so-called Hinduism has allowed it. I would, therefore, suggest that instead of Prohibition, we can have a sort of ration for this liquor.

* SRI A. M. ALLAPICHAJ : It is not practical.

* DR. A. SREENIVASAN : Sir, I want to point out one thing. Whatever may be the amendment that is introduced during the (Joint) Select Committee stage, it is better that you have a practical approach to the whole thing and that you take into consideration only human weakness. You have got certain views about it and you do not want to be practical men. If you ask a man why he does a thing, he will only continue to do it. So, it is better not to tell him, but to leave him as he is.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, when I expressed the hope that there would be no difference of opinion expressed on the main features of this Bill, I did not imagine that there were Members who belonged still to the old age.

DR. A. SREENIVASAN : We are old, Sir.

15th February 1958]

* THE HON. SRI M. BHAKTAVATSALAM : Sir, among the two hon. Doctor Members who participated in the discussion, one hon. Member is most modern in law and I know that the other hon. Member is most modern in medicine. But the very same hon. Member who is so modern in medicine not only belongs to the old age, but goes far back to the Vedic age with reference to this question of Prohibition. But, I would like to point out, Sir, that so far as this State is concerned, Prohibition has been in force for some years. It has come to stay. I would also like to point out to the hon. Member, Sir, that Prohibition is one of the directive principles of State policy enshrined in the Constitution which is in force in this country to which we have sworn allegiance. Not that I make any constitutional point over it regarding Members who expressed their objection to Prohibition.

DR. A. SREENIVASAN : What about other States which have not introduced Prohibition in spite of the Constitution?

* THE HON. SRI M. BHAKTAVATSALAM : There is a difference between those States and this State. No State which has enforced it dare repeal it so long as the provision in the Constitution is there. Therefore, Sir, I can say that since the introduction of Prohibition—whatever may be the imperfect manner in which Prohibition is being enforced—crimes have been considerably reduced and we do not see street brawls everyday and particularly on Deepavali and Pongal days. On the other hand, it is said that in one of the most advanced countries in Europe, crime has been on the increase, and it is partly attributed to excessive drinking. I myself was a victim to that when I was in the capital of that country just about 1½ years ago. A person started misbehaving with me when I was about to get into the car. I thought that he was a lunatic but I was told by my local friends there that he had drunk too much. 5.50 p.m.

Sir, I do not understand the arguments of hon. Members who talk of preventing excessive drinking and restoring to temperate drinking. Hon. Members would have noticed and read in the newspapers that Mr. Khrushchev, Secretary of the Communist Party of the Soviet Union and the man of Russia, expressed his concern about excessive drinking in Russia. In spite of the iron rule that is being carried on by the Communist Party there, they cannot avoid excessive drinking. So, he does not like excessive drinking and he is worried over the possible effects on his country on account of this excessive drinking. Therefore, if we agree that drinking is bad, there is no meaning in attempting temperate drinking. Temperate drinking has been attempted in this very State.

Then, Sir, I do not seek to present any accurate statistics but I have no doubt that on modest estimate, 75 per cent of the people who used to drink before the introduction of Prohibition are now free from the drinking habit. There may be only 25 per cent of the people still resorting to illicit distillation and illicit manufacture of liquor. But we do see only illicit things. Now, in this

[Sri M. Bhaktavatsalam] [15th February 1958]

whole House two hon. Members expressed their serious objection to the policy of Prohibition. The hon. Member Dr. Sreenivasan referred to the capital sentence provided for in the Indian Penal Code and murders taking place still. That is entirely an argument in favour of the Prohibition policy which should be continued in spite of illicit drinking and illicit manufacture of liquor. The capital punishment is there and it has not been taken out of the Indian Penal Code. I can say from my own experience that when a person commits murder, he goes to the sessions court which sentences him to death. Then, he goes to the High Court and the Supreme Court. If he fails in the courts also, he then goes to the Government. Of course, what the Government would do is quite different. This only shows that he does not like being hanged and that he is terribly afraid of the capital sentence. But still murders take place. If we remove capital sentence, then there will be more murders. I was one of those who thought that capital sentence was rather primitive and that it should go from the statute-book. But now I have no doubt that but for this provision of capital sentence, there would have been several more murders in the country.

DR. V. K. JOHN : Why do not the Government prevent smoking and meat-eating also?

* THE HON. SRI M. BHAKTAVATSALAM : We do not consider them as such evils.

Now, the Police are in charge of enforcement of Prohibition and I have no doubt that that is the best machinery that we can think of. We have to tighten it and the hon. Member Mr. P. T. Rajan referred to certain experiments that were being conducted in tightening the enforcement of Prohibition. Sir, so far as Madras City and the Chingleput district are concerned, on a modest estimate I could claim that the number of incidents as compared to what happened before this drive was launched upon has been reduced by 75 per cent. I have no doubt about it. This drive is not confined to Madras and Chingleput district only but it is also undertaken in other districts by the Police without any additional expenditure. Incidents are coming down in various districts according to conditions prevailing in each district. In some districts they have been reduced by 60 or 70 per cent. In some other districts they have been reduced by 50 per cent and yet in some other districts the reduction may not be 50 per cent. But we see the effect of this drive. If we can only mobilize more public opinion, we have no doubt that we could still further reduce such incidents of illicit distillation and drinking. I have no doubt that although two hon. Members spoke very seriously and vehemently (Interruption)—there is no question of intellectual dishonesty—people who will read the reports of their speeches will not take them seriously. There is an atmosphere for Prohibition. There is moral support for Prohibition. There is public support for Prohibition. Only we have to mobilize more of the active participation and co-operation of the public in the stricter enforcement of Prohibition and it is for that

15th February 1958] [Sri M. Bhaktavatsalam]

purpose that I have come before this House with this Bill which contains certain provisions which would enable the authorities to have stricter enforcement of Prohibition. Therefore, I do hope that this motion will be accepted by the House.

MR. CHAIRMAN : The question is—

“ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 Dr. V. K. John.
- 2 Sri Mohamed Raza Khan.
- 3 Sri John Asirvatham.
- 4 Sri K. V. Ramaswamy.
- 5 Srimathi Jothi Venkatachellum.
- 6 Srimathi Saraswathy Pandurangam.
- 7 Sri A. Subramanyam.
- 8 Sri M. Ethirajalu.

The motion was put and carried.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Saturday, the 1st March 1958.

The House then adjourned.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 78. *Notification issued with G.O. Ms. No. 3842, Industries, Labour and Co-operation, dated 21st November 1957, regarding amendment to the Madras Factories Rules, 1950.*

79. *Notification issued with G.O. No. 4410, Revenue, dated 27th November 1957, regarding amendments to the Rules framed under the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923).*

80. *Review of activities of the Government Museum at Madras and Pudukkottai and the National Art Gallery, Madras, for the first half-year of 1957–58.*

81. *Answer to Legislative Assembly Starred Question No. 304 asked by Sri V. K. Kothandaraman, M.L.A.*

* Laid on the table of the house on the 14th February 1958.

[15th February 1958]

APPENDIX I.

[Vide answer to starred question No. 19 asked by Sri T. Purnushotham at the meeting of the Legislative Council held on 15th February 1958, page 185 supra.]

Instructions regarding the recognition by the Government of Madras of association of their employees other than associations of industrial employees.

Definition.—In these instructions, “Government” means the Government of Madras.

Part (A)—Associations of Government Employees serving in the Departments of Government other than those in the Police and Jail Departments.—(1) Government are prepared to accord official recognition to associations of their employees which comply with the conditions set out below.

(2) The association must ordinarily consist of a distinct class of Government employees.

(3) Every Government employee of the same class must be eligible for membership of the associations.

(4) Persons who are not in the active service of Government shall not be office-bearers of the association.

(5) Representations from such associations whether made orally, by deputation or presented in writing, may be received by Government officers notwithstanding anything contained in the rules relating to the submission of petitions and memorials by Government servants :

Provided that—

(a) no representations or deputations will be received except in connexion with a matter which is, or raises questions which are, of common interest to the class represented by the Association; and

(b) nothing in these instructions affects the discretion of the Governor, the head of a department or any other officer of Government to receive or not to receive a deputation from any association.

15th February 1958]

(6) Recognition is accorded for the purpose of enabling the employees of Government to communicate their needs and grievances to Government or to Government Officers and it may be withdrawn by Government if the members adopt other methods of ventilating those needs and grievances.

NOTE.—For the purpose of this instruction, ‘ other methods ’ shall include seditious propaganda, expression of disloyal sentiments, publication in the press, engaging or inviting the assistance of political and other parties for the representation of grievances, and threat of strike.

(7) Government may require the regular submission for their information of copies of the rules of the association and the annual statement of its accounts and of lists of its members.

(8) Government may specify the channel through which representations from the association shall be submitted and authority by whom deputations may be received.

(9) The association shall not seek the assistance of any political party or organization to represent the grievances of its members.

(10) The association shall not, without the previous sanction of the Government, permit its proceedings to be open to the press.

(11) The Association shall have the following rule incorporated among its rules—

“ A strike or the threat of a strike against the Government shall never be used as a means of achieving any of the purposes of the Association.”

Part (B)—Associations of Employees in the Police and Jail Departments.—The instructions in Part (A) shall be applicable to associations of employees in the Police and Jail Departments with the following modifications :—

Instruction 2.—To this instruction the following sentence shall be added at the end, namely :—

“ The association shall also consist of such distinct rank or ranks of employees as Government may prescribe, provided that Government may accord recognition to particular associations of specified ranks of employees in the Police department of which specified ranks of employees in the Excise department are also members.”

Instruction 5.—For proviso (a) to this instruction, the following proviso shall be substituted, namely :—

“ (a) No representation or deputation will be received on questions of discipline or of promotion affecting individuals; but representations or deputations may be received in connexion with any other matter which is, or raises questions which are, of common interest to the class represented by the association.”

[15th February 1958]

Instruction 7.—To this instruction, the following sentence shall be added at the end, namely :—

“ No rule of the association shall be valid until it has received the approval of Government and Government may from time to time require the modification of a rule or proposed rule in a particular manner.”

APPENDIX II.

[Vide item III (1) on page 194 supra.]

[L.A. BILL No. 3 OF 1958.]

(As passed by the Assembly.)

A Bill to provide for the authorization of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1954, in excess of the amounts authorized or granted for the said services.

WHEREAS it is necessary to provide for the authorization of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1955, in excess of the amounts authorized or granted for the said services ;

BE it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Appropriation Act, 1958.

2. *Issue of Rs. 22,18,535 out of the Consolidated Fund of the State for the year ended on the 31st March 1954.*—The sums specified in column (5) of the Schedule amounting in the aggregate to the sum of twenty-two lakhs, eighteen thousand and five hundred and thirty-five rupees shall be deemed to have been authorized to be paid and applied from and out of the Consolidated Fund of the State to meet the amount spent for defraying the charges in respect of the services specified in column (2) of the Schedule during the financial year ended on the 31st day of March 1955, in excess of the amounts authorized or granted for those services for that year.

3. *Appropriation.*—The sums deemed to have been authorized to be paid and applied from and out of the Consolidated Fund of the State under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the the financial year ended on the 31st day of March 1955

15th February 1958]

THE SCHEDULE.

(See sections 2 and 3.)

Demand number.	Services and purposes.	Sums.		
		Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
VI	Motor Vehicles Acts—Administration.	23,435	19,819	43,254
IX	Heads of States, Ministers and Headquarters staff.	1,29,570	..	1,39,570
XI	District Administration and Miscellaneous.	5,45,854	..	5,45,854
XVII	Public Health ..	4,39,134	..	4,39,134
XX	Co-operation ..	3,90,011	..	3,90,011
XXIV	Oil—Works—Works	2,10,523	..	2,10,523
XXVIII	Famine ..	1,33,286	..	1,33,286
XXIX	Pensions ..	..	15,906	15,906
XXX	Stationery and Printing.	61,745	2,38,450	3,00,195
XXXI	Miscellaneous ..	..	802	802
	Total ..	19,43,558	2,74,977	22,18,535

I certify that this is a Money Bill.

U. KRISHNA RAU,

15th February 1958.

Speaker, Madras Legislative Assembly.



INDEX TO MADRAS LEGISLATIVE COUNCIL DEBATES

TWELFTH SESSION OF THE LEGISLATIVE COUNCIL
UNDER THE CONSTITUTION OF INDIA.

10th to 15th February 1958.

Volume XXIII (Nos. 1 to 6).

	PAGES
A	
Adjournment motion <i>re</i> —	
Banning of processions and meetings in Madras City during the Prime Minister's visit	51
Allapichai, Sri A. M.—	
Bill—Prohibition (Amendment) Bill, 1958	216
Governor's Address, discussion on	217-219
	24-29
	62, 66, 98, 99
Andhra State—	
Question <i>re</i> financial adjustments between — and Madras State	181
Animal Husbandry Department—	
Review of activities of — for half-year ending 30th September 1957, laid on the table	38
Appropriation Bill, 1958—	
<i>See</i> Bills.	
Assurances Committee—	
<i>See</i> Committees.	
B	
Balasubramanya Ayyar, Sri K.—	
Bills—	
Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958	197-202
	211, 212
Prohibition (Amendment) Bill, 1958	219-220
Demands for Grants for Excess Expenditure in 1954-55, discussion on	163-165
	166, 171
Governor's Address, discussion on	66-72
	128
Bhaktavatsalam, the Hon. Sri M.—	
Bills—	
Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958	208
Prohibition (Amendment) Bill, 1958	214-215
	223, 225, 226-229
Governor's Address, discussion on	59, 70

B—cont.

Bhoodan Yagna Bill, 1957—
See Bills.

Bills—

Appropriation Bill, 1958—

Considered and passed	194
Message from the Assembly <i>re</i> —	193
Message from the Governor <i>re</i> —	191

Bhoodan Yagna Bill, 1957—

Message from the Assembly <i>re</i> —	193
---------------------------------------	-----

Cultivating Tenants' Protection and Payment of Fair Rent
(Amendment) Bill, 1958—

Message from the Assembly <i>re</i> —	191-192
Referred to Joint Select Committee	115-213

Maternity Benefit (Amendment) Bill, 1958—

Introduced	194
------------	-----

Prohibition (Amendment) Bill, 1958—

Message from the Assembly <i>re</i> —	192
Referred to Joint Select Committee	214-229

Boiler Department—

Review of activities of — for the first half of 1957-58	42
---	----

Borstal School, Palayamkottai—

Review of activities of — for half-year ended 30th June 1957, laid on the table	39
--	----

Borstal Schools Act, 1925—

Amendment of rules 11 and 12, notification laid on the table	39
--	----

Boys and Girls Aftercare Clubs (Government), Madras—

Rules for management of —, notification laid on the table	39
---	----

Bridge—

Question <i>re</i> construction of a — across the Cauvery near Musiri	190-191
--	---------

Business Advisory Committee—

See Committees.

C

Chairman, Mr.—

Adjournment motion <i>re</i> banning of processions and meetings in Madras City during the Prime Minister's visit	54
--	----

Announcement *re*—

Business Advisory Committee's decision	9
--	---

Message from the Assembly *re*—

Appropriation Bill, 1958	193
--------------------------	-----

Bhoodan Yagna Bill, 1957	193
--------------------------	-----

Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958	191-192
--	---------

Prohibition (Amendment) Bill, 1958	192
------------------------------------	-----

Message from the Governor *re*—

Appropriation Bill, 1958	191
--------------------------	-----

Panel of Vice-Chairmen, nomination of	9
---------------------------------------	---

Business Advisory Committee, nomination of members to	193
---	-----

Committee on Government Assurances, nomination of members to	193
---	-----

Condolence Resolution <i>re</i> death of Sambamurthy, Sri Bulusu.	1, 2
---	------

Demands for Grants for Excess Expenditure in 1954-55, dis- cussion on	169
--	-----

Expression of sorrow at the death of Kumaraswami Mudaliar, Sri M. D. T., former Member of the Council	61
--	----

See Rulings and observations of the Chair.

C—cont.

Chakkarai Chetty, Sri V.—	
Demands for Grants for Excess Expenditure in 1954-55, discussion on	165
Governor's Address, discussion on	55-58
Clubwala Jadhav, Srimathi Mary C.—	
Bill—Prohibition (Amendment) Bill, 1958	223-224
Commercial Crops Markets Rules, 1948—	
Amendments to —, notifications laid on the table	42
Committees—	
Business Advisory Committee—	
Decision of —	9
Nomination of Members to —	193
Committee on Government Assurances, nomination of Members to	193
Committee on Subordinate Legislation, First Report laid on the table	176
Narayanaswamy Pillai Committee on Co-operation, action taken on recommendations of	85-86
Community Development Programme—	
Review of activities for half-year ending 30th September 1958, laid on the table	40
Condolence Resolution re—	
Death of Sambamurthy, Sri Bulusu	1-2
Co-operation—	
Question re action taken on recommendations of Narayanaswamy Pillai Committee on —	85-86
Criminal Justice—	
Review of administration of — for half-year ending 30th June 1957, laid on the table	41
Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958—	
See Bills.	
Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Ordinance, 1958—	
Laid on the table	42
Cyclone relief—	
Question re aided elementary school buildings damaged by cyclone during November 1955, grants for repair of	189-190

D

Demands for Grants for Excess Expenditure in 1954-55—	
Discussion on —	162-176
Presented	9-10
Deputy Inspectors of Schools—	
Question re number of ranges of —	121-122
Drangadhara Chemical Works, Limited, Bombay—	
Balance sheet and Profit and Loss Account of — for the year ending 31st March 1957, laid on the table	41

E

Educational Subordinate Service—	
Question re officers belonging to — under suspension during 1955 and 1956, number, etc., of	51-52

E—cont.

Electricity—

Question <i>re</i> Kundah Hydro-Electro Scheme, rehabilitation of people affected by	53-54
Essential Articles Control and Requisitioning (Temporary Powers) Amendment Ordinance, 1958—	
Laid on the table	43
Estates—	
Ramachatram Zamin Estate, amendments to notifications relating to ryotwari settlement of —, laid on the table	40
Estates (Abolition and Conversion into Ryotwari) Act, 1948—	
Amendment to rules made under —, notification laid on the table	43
Amendments to Revenue Department's notifications laid on the table	40, 41
Estates (Supplementary) Act, 1956—	
Framing of rules under —, notification laid on the table	41
Ethirajalu, Sri M.—	
Governor's Address, discussion on	113-117
Exhibition Officer for organization of peripetatic exhibition—	
Exclusion of post from Service Commission's purview, notification laid on the table	38
Expression of sorrow <i>re</i> —	
Death of Kumaraswami Mudaliar, Sri M. D. T., former Member of the Council	51
Ex-Servicemen's Associations—	
Question <i>re</i> rules <i>re</i> grant of recognition to	185-186

F

Factories Rules, 1950—	
Amendments to Form No. 15 confirmed, notification laid on the table	39
Amendments to —, notification laid on the table	229
Finance Accounts—	
— of Madras Government for 1956-57 and Audit Report, laid on the table	40
Fire Service Branch (Police Department)—	
Review of activities of — for first half-year ending 30th June 1957	42

G

Gajapathy Nayagar, Sri A.—	
Demands for Grants for Excess Expenditure in 1954-55, discussion on	169
Governor's Address, discussion on	11-15
General Sales Tax (Emergency Provisions) Ordinance, 1957—	
Laid on the table	42
General Sales Tax (Turnover and Assessment) Rules, 1939—	
Amendments to —, notification laid on the table	38
Government Museum at Madras and Pudukkottai—	
Review of activities of — for first half of 1957-58, laid on the table	229
Governor's Address—	
Discussion on —	10-37
	55-82, 86-117
	123-157
Laid on the table	43

I

Inams (Assessment) Rules, 1957—	
Amendment to —, notification laid on the table	39
Industries and Commerce Department—	
Review of activities of — during the half-year ended 30th September 1956	43

J

John. Dr. V. K.—	
Adjournment motion <i>re</i> banning of processions and meetings in Madras City during the Prime Minister's visit	54
Bills—	
Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958	205-209
Prohibition (Amendment) Bill, 1958	212, 213
Condolence Resolution <i>re</i> death of Sambamurthy, Sri Bulusu	215-217
Demands for Grants for Excess Expenditure in 1954-55, discussion on	2
	166-168
	176
Governor's Address, discussion on	26, 27
	28, 32, 35, 58-66
	150-156
John Asirvatham, Sri—	
Nomination of — to the Panel of Vice-Chairmen	9
Jothi Vencatachellum, Srimathi—	
Governor's Address, discussion on	95-96

K

Krishnamoorthy, Sri G.—	
Governor's Address, discussion on	92-95
Krishnaswamy Ayyangar, Sri P. S.—	
Bill—Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958	197
Governor's Address, discussion on	101-104
Kumaraswami Mudaliar, Sri M. D. T.—	
Expression of sorrow at the death of —, former Member of the Council	51
Kundah Hydro-Electric Scheme—	
See Electricity.	

L

Labour Department—	
Review of activities of — for the first half of 1957, laid on the table	39
Lakshmanaswami Mudaliar, Dr. A.—	
Bill—Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958	203-205
Governor's Address, discussion on	123-132
Land Encroachment Act, 1905—	
Delegation of powers of District Collectors under section 10 to Personal Assistants, notification laid on the table	41
Livestock Improvement Act, 1940—	
Application of — to certain areas in Karur, Chidambaram, Palladam, Hosur and Palni taluks, notifications laid on the table	38
Enforcement of — in certain areas in Salem, Chingleput and Madurai districts, notifications laid on the table	40

M

Madurai Pillai, Sri P.—	
Sworn in	2
Mahomed Usman, Dr.—	
Bill—Prohibition (Amendment) Bill, 1958	223
Manickavelu, the Hon. Sri M. A.—	
Bill—Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958	195-196 197, 208, 209 211-213
Maternity Benefit (Amendment) Bill, 1958— See Bills.	
Medicine—	
Question re—	
Indian —, creation of a Chair in the History of — at the College of Integrated Medicine, Madras	122
Registration of practitioners in modern and indigenous systems of —	5-6
Messages from the Assembly and the Governor— See Bills.	
Mohamed Raza Khan, Sri—	
Bill—Prohibition (Amendment) Bill, 1958	222-223
Demands for Grants for Excess Expenditure in 1954-55, discussion on	169-170
Governor's Address, discussion on	29-37 62, 66
Motor Vehicles Rules, 1940—	
Amendments to —, notification laid on the table	37, 42 43, 176
Extension of — to Kanyakumari district and Shencottah taluk of Tirunelveli district, notification laid on the table	41
Motor vehicles tax—	
Exemption of car No. B. 57.T.239420 used by Mr. T. G. Mac- Master, Coated Abrasives Expert, from —, notification laid on the table	41
Exemption of jeeps BYM 1784 and MYC 5655 used by Professors K. W. Kindelsperger and W. R. Hill from —, notification laid on the table	38, 42
Payment of — at reduced rate on luxury coach MSZ 7487 of State Transport Department, notification laid on the table.	42
Murali Cafe, Triplicane—	
Question re agitation by Dravida Kazhagam before —, number of volunteers arrested and expenditure incurred on Police in connection with	186-187

N

Nallasenapathi Sarkarai Manradiar, Sri N.—	
Bill—Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958	209-211
National Art Gallery, Madras—	
Review of activities for first half of 1957-58, laid on the table	229

O

Official Language Act, 1956—	
Introduction of Tamil in Government offices not supplied with typewriters under section 4, notification laid on the table.	43
Official Language Commission Report—	
Memorandum of Madras Government on —, laid on the table.	43
Question re action taken on	159-160

P

Panchayat Executive Officers—	
Amendment to regulations relating to recruitment of —, notification laid on the table	39
Panchayat Officers—	
Qualification of —, notification laid on the table	39
Panchayat Union, North Madurai—	
Extension of term of certain panchayats, notification laid on the table	118
Panchayats—	
Extension of term of —, notification laid on the table	43
Question <i>re</i> Madras State Union of Village —, action taken on the resolutions of	161
Panel of Vice-Chairmen—	
Announcement <i>re</i> nomination of —	9
Papers laid on the table of the House—	
Animal Husbandry Department, review of activities of— for half-year ending 30th September 1957	38
Boiler Department, review of activities of— for the first half of 1957–58	42
Borstal School, Palayamkottai, review of activities of— for half-year ended 30th June 1957	39
Borstal Schools Act, 1925, amendment of rules 11 and 12 (G.O. Ms. No. 2987, Hoive, dated 18th November 1957).	39
Commercial Crops Markets Rules, 1948, amendments to — (G.O. Ms. No. 3962, Food and Agriculture, dated 28th December 1957, and G.O. Ms. No. 3804, dated 16th December 1957).	42
Committee on Subordinate Legislation, First Report	176
Community Development Programme, review of activities for half-year ending 30th September 1956	40
Criminal Justice, review of administration of — for half-year ending 30th June 1957	41
Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Ordinance, 1958	42
Drangadhara Chemical Works, Limited, Bombay, Balance Sheet and Profit and Loss Account for the year ending 31st March 1957	41
Essential Articles Control and Requisitioning (Temporary Powers) Amendment Ordinance, 1958	43
Estates (Abolition and Conversion into Ryotwari) Act, 1948—	
Amendment to Revenue Department Notification No. 268, dated 7th June 1952 (G.O. Ms. No. 3680, Revenue, dated 18th September 1957)	40
Amendment to Revenue Department Notification No. 5627, dated 19th December 1957 (G.O. Ms. No. 3452, Revenue, dated 2nd September 1957)	40
Amendment to rule published with Revenue Department Notification, dated 5th August 1949 (G.O. Ms. No. 3985, Revenue, dated 19th October 1957)	40
Amendment to rules made under — (G.O. Ms. No. 4446, Revenue, dated 30th November 1957)	43
Amendments to Notification No. 227, dated 17th April 1956 (Memorandum No. 55536-J/87-2, dated 6th September 1957)	41
Estates (Supplementary) Act, 1956, framing of rules under —	
(G.O. Ms. No. 3138, Revenue, dated 1st August 1957)	41
Exhibition Officer for organization of Peripetatic Exhibition, exclusion of post from Service Commission's purview (G.O. Ms. No. 3227, Public (Services-A), dated 18th November 1957]	38

P—cont.

Papers laid on the table of the House—cont.

Factories Rules, 1950—	
Amendments to — (G.O. Ms. No. 3842, Industries, Labour and Co-operation, dated 21st November 1957, and G.O. Ms. No. 2057, Industries, Labour and Co-operation, dated 16th September 1957)	39, 229
Finance Accounts of Madras Government for 1956–57 and Audit Report	40
Fire Service Branch of Police Department, review of activities of — for first half-year ending 30th June 1957	42
General Sales Tax (Emergency Provisions) Ordinance, 1957.	42
General Sales Tax (Turnover and Assessment) Rules, 1939, amendments to — (G.O. Ms. No. 3377, Revenue, dated 27th August 1957)	38
Government Museum at Madras and Pudukkottai and National Art Gallery, Madras, review of activities for first half of 1957–58	229
Government Reception Homes and Boys and Girls Aftercare Clubs, Madras, rules for management of — (G.O. No. 1562, Home, dated 8th June 1957, and G.O. No. 1581, Home, dated 10th June 1957)	39
Governor's Address to the Legislature	43
Inams (Assessment) Rules, 1957, amendment to — (G.O. Press No. 4254, Revenue, dated 11th November 1957)	39
Industries and Commerce Department, review of activities of — during the half-year ended 30th September 1956	43
Labour Department, review of activities of — for the first half of 1957	39
Land Encroachment Act, 1905, delegation of powers of District Collectors under section 10 to Personal Assistants (G.O. Ms. No. 4259, Revenue, dated 12th November 1957)	41
Livestock Improvement Act, 1940—	
Application of — to certain areas in Karur, Chidambaram, Palladam, Hosur and Palni taluks (G.O. Ms. No. 3044, Food and Agriculture, dated 28th September 1957, G.O. Ms. Nos. 3073 and 3074, dated 5th October 1957, G.O. Ms. No. 3047, dated 28th September 1957 and G.O. Ms. No. 3045, dated 28th September 1957)	38
Enforcement of — in certain areas in Salem, Chingleput and Madurai districts (G.O. Ms. No. 3168, Food and Agriculture, dated 12th October 1957, G.O. Ms. Nos. 3159, 3169, 3162, 3164, dated 12th October 1957, and G.O. Ms. No. 3072, dated 5th October 1957)	40
Motor Vehicles Rules, 1940—	
Amendments to — (G.Os. Ms. No. 2730, Home, dated 18th October 1957, No. 3063, dated 27th November 1957, No. 3217, dated 10th December 1957 and No. 23, dated 4th January 1958)	37, 42 43, 176
Extension to Kanyakumari district and Shencottah taluk of Tirunelveli district (G.O. Ms. No. 3029, Home, dated 22nd November 1957)	41
Motor vehicles tax—	
Exemption of car No. B. 57. T. 239420 used by Mr. T. G. MacMaster, Coated Abrasives Expert, from — (G.O. Ms. No. 3013, Home, dated 20th November 1957)	41
Exemption of jeeps BYM 1784 and MYC 5655 used by Professors K. W. Kindelsperger and W. R. Hill (Technical Co-operation Mission) from — (G.O. Ms. No. 2751, Home, dated 21st October 1957)	38, 42
Payment of — at reduced rate on Luxury Coach MSZ 7487 of State Transport Department (G.O. Ms. No. 2689, Home, dated 15th October 1957)	42

P—cont.

Papers laid on the table of the House—cont.

Official Language Act, 1956, introduction of Tamil under section 4 in Government offices not supplied with typewriters [G.O. Ms. No. 104, Public (General-M), dated 11th January 1958]	43
Official Language Commission Report, Memorandum of Madras Government on	43
Panchayat Executive Officers, amendment to regulations relating to recruitment of—(G.O. Ms. No. 582, L.A., dated 9th April 1957)	39
Panchayat Officers, notification re qualification of—(G.O. Ms. No. 1133, L.A., dated 27th July 1957)	39
Panchayat Union, North Madurai, extension of term of certain panchayats (G.O. No. 1880, L.A., dated 27th December 1957)	118
Panchayats, extension of term of — (G.O. Ms. No. 1876, L.A., dated 26th December 1957)	43
Plantations Agricultural Income-tax Rules, 1955, amendment to — (G.O. Ms. No. 3744, Revenue, dated 25th September 1957)	42
Port Department, review of activities for first half of 1957-58.	118
Probation Department, review of activities of — for half-year ending 30th June 1957	39
Public Health Establishment Local Authorities Regulations, 1940, amendments to — (G.Os. Ms. No. 2297, Health, and No. 2298, Health, dated 2nd August 1957)	118
Public Service Commission and Tribunal for Disciplinary Proceedings, review of activities of — for half-year ending 30th September 1957	41
Question No. 304 (Legislative Assembly), answer to	229
Question No. 332 (Legislative Assembly), answer to	42
Ranachatram Zamin Estate, amendments to notifications relating to ryotwari settlement of	40
Record Office (Madras), review of activities of — for first half of 1957-58	43
Sales tax—	
Exemption of seeds sold by Agriculture Department from — (G.O. Ms. No. 3557, Revenue, dated 9th September 1957).	39
System of — in Madras, Report on simplification and improvement of	82
Social Education Officers, exclusion of posts of — from Service Commission's purview [G.O. Ms. No. 3669, Public (Services-A), dated 30th December 1957]	43
State Aid to Industries Act—	
Delegation of powers to Village Industries Officer to sanction loans under — (G.O. Ms. No. 3487, Industries, Labour and Co-operation, dated 25th October 1957)	39
Disposal of applications for loans under — (G.O. Ms. No. 3275, Industries, Labour and Co-operation, dated 8th October 1957)	39
Stationery and Printing Department, review of activities of — for half-year ending 30th September 1956	38
Suppression of Immoral Traffic Rules, 1952, amendment to rule 56 (G.O. Ms. No. 2792, Home, dated 26th October 1957).	37
Survey and Boundaries Act, 1923, amendments to rules (G.O. No. 4410, Revenue, dated 27th November 1957)	229
Survey and Land Records Department, review of activities of — for the first half of 1956-57	157

P—cont.

Papers laid on the table of the House—cont.

Tiruchirappalli Municipality, irregularities in elections to fill up casual vacancy in Ward III (G.O. No. 1468, L.A., dated 10th October 1957)	41
Tobacco (Taxation of Sales and Registration) (Special Provisions) Ordinance, 1957	42
Tourist Officer, Tourist Bungalow, Madurai, exclusion of post from Service Commission's purview [G.O. Ms. No. 3488, Public (Services-A), dated 11th December 1957]	41
Tuticorin Port Trust, review of activities of — for first half of 1957-58	41
Pig iron—	
Question re quota of — allotted to Madras State annually	52-53
Plantations Agricultural Income-tax Rules, 1955—	
Amendment to —, notification laid on the table	42
Ponnuswamy Chettiar, Sri S. R. P.—	
Governor's Address, discussion on	73-76
Port Department—	
Review of activities of — for first half of 1957-58, laid on the table	118
Port Trust, Tuticorin—	
Review of activities of — for first half of 1957-58, laid on the table	41
Probation Department—	
Review of activities of — for half-year ending 30th June 1957, laid on the table	39
Prohibition (Amendment) Bill, 1958—	
See Bills.	
Public Health Establishment Local Authorities Regulations, 1940—	
Amendments to —, notification laid on the table	118
Public Service Commission, Madras—	
Review of activities of — for half-year ending 30th September 1957, laid on the table	41
Purushotham, Sri T.—	
Demands for Grants for Excess Expenditure in 1954-55, discussion on	162-163
Governor's Address, discussion on	134-139
Q	
Questions and Answers—	
Answer to Question No. 304 (Legislative Assembly), laid on the table	229
Answer to Question No. 332 (Legislative Assembly), laid on the table	42
Gajapathy Nayagar, Sri A.—	
Question re practitioners in modern and indigenous systems of medicine, registration of	5-6
Krishnamoorthy, Sri G.—	
Question re—	
Aided elementary school buildings in Tanjore district damaged by cyclone in November 1955, grants for repair of	189-190
Teachers of elementary schools in Tirunelveli and Ramanathapuram districts, reinstatement of dismissed	187-188
Teachers posted for election duty, rules for grant of travelling allowance to	160-161

Q—cont.

Questions and Answers—cont.

Mohamed Raza Khan, Sri—

Question re—

Agitation before Murali Cafe, Triplicane, number of volunteers of Dravida Kazhagam arrested and expenditure incurred on Police in connexion with	186-187
Rice, procurement of	83
Rice, supply to Madras State from October 1957 to March 1958	181-185

Purushotham, Sri T.—

Question re—

Andhra and Madras States, financial adjustments between.	181
Bridge across the Cauvery near Musir, construction of a.	190-191
Chembarampakkam tank, causes for low level of water in.	188-189
Co-operation, action taken on recommendations of Narayanaswamy Pillai Committee on	85-86
Indian Medicine, creation of a Chair in the History of — at the College of Integrated Medicine, Madras	122
Kundah Hydro-Electric Scheme, rehabilitation of people affected by	53-54
Madras State Union of Village Panchayats, action taken on the resolutions of	161
Official Language Commission Report, action taken on	159-160
Pig iron quota allotted to Madras State annually	52-53
Rural transport, survey and improvement of	6-8
Schools maintained by Panchayat Boards, number of — and particulars re teachers employed therein	8
Service and Ex-Servicemen's Associations, rules re grant of recognition to	185-186
South Zonal Council, laying of official report of the proceedings of — on the table of the House	3-5
Temple at Vellore Fort, revival of puja in	119-121
Travellers' bungalows and rest-houses, introduction of uniform nomenclature for	83-85

Ranganathan, Sri V. R.—

Question re—

Deputy Inspectors of Schools, number of ranges of	121-122
Officers belonging to Educational Subordinate Service under suspension during 1955 and 1956, number, etc., of	51-52

R

Rajan, Sri P. T.—

Bill—Prohibition (Amendment) Bill, 1958	221-222
Governor's Address, discussion on	140-148
Nomination of — to the Panel of Vice-Chairmen	9

Ramasamy Gounder, Sri K. M.—

Governor's Address, discussion on	86-89
Sworn in	2

Ramaswamy, Sri K. V.—

Governor's Address, discussion on	15-17
-----------------------------------	-------

Reception Homes (Government), Madras—

Rules for management of —, notification laid on the table	39
---	----

Record Office, Madras—

Review of activities of — for first half of 1957-58	43
---	----

Rest-houses—

Question re introduction of uniform nomenclature for — and travellers' bungalows	83-85
--	-------

R—cont.

Rice—

Question re—

Procurement of 83

Supply of — to Madras State from October 1957 to March 1958 181-185

Rulings and observations of the Chair—

Adjournment motion re—

The prohibitory order in respect of processions and meetings in Madras City during the visit of the Prime Minister on the ground that it constituted infringement of fundamental rights—Ruled out of order for the reasons that the subject-matter of the motion did not involve more than the ordinary administration of law and that the Member had ample opportunity to refer to that matter during the discussion on the Governor's Address 54

Bills—

On a motion that the Council do concur with the Assembly in setting up a Joint Select Committee to consider the Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1958, a Member enquired whether it would be in order for the House to proceed with the consideration of the Bill, which was to replace Ordinance No. 1, since the High Court had granted a temporary stay of the operation of that Ordinance. The Chairman remarked—

"The discussion is not on the merits of the matter before the Court. The general discussion is on the principles of the Bill" 197

Debate—Maiden speech—

In reply to a query from a Member who was speaking on the Governor's Address whether there was any time-limit, the Chairman observed—

"Not for the hon. Member who is making a maiden speech. He can take his own time" 144

Demands for Grants for Excess Expenditure—

When the Deputy Leader of the Opposition requested that a convention might be established, in regard to matters like the Statement of Demands for Grants for Excess Expenditure, to call a Member of the Opposition to initiate the debate instead of a Member of the party in power, the Chairman observed, "Not a single Member of the Opposition offered to speak to-day. I must have some news beforehand in this matter" 169

S

Sales tax—

Exemption of seeds sold by Agriculture Department from —, notification laid on the table 39

Report on simplification and improvement of — system, laid on the table 82

Sambamurthy, Sri Bulusu—

Condolence Resolution re death of 1-2

Sankaranarayana Pillai, Sri T. S.—

Governor's Address, discussion on 132-134

Saraswathy Pandurangam, Srimathi—

Governor's Address, discussion on 89-92

Nomination of — to the Panel of Vice-Chairmen 9

S—cont.

Schools—

Question re number of — maintained by panchayat boards and particulars re teachers employed therein	8
See Cyclone relief.	

Service Associations—

Question re rules re grant of recognition to —	185-186
--	---------

Sivanandam, Dr. T. V.—

Governor's Address, discussion on	77-82.
	88

Social Education Officers—

Exclusion of posts of — from Service Commission's purview, notification laid on the table	43
---	----

Sreenivasan, Dr. A.—

Bill—Prohibition (Amendment) Bill, 1958	224-227
Governor's Address, discussion on	97-101
	128, 151
	153, 154
	156

Srinivasavaradan, Sri T. P.—

Governor's Address, discussion on	105-110
Nomination of — to the Panel of Vice-Chairmen	9

State Aid to Industries Act—

Delegation of powers to Village Industries Officer to sanction loans under —, notification laid on the table	39
Disposal of applications for loans under —, notification laid on the table	39

Stationery and Printing Department—

Review of activities of — for half-year ending 30th September 1955, laid on the table	38
---	----

Subramaniam, the Hon. Sri C.—

Bill—Appropriation Bill, 1958	194
Demands for Grants for Excess Expenditure in 1954-55—	
Discussion on —	163, 164
	167
	170-176
Presentation of —	9-10
Governor's Address, discussion on	17-24

Subramanyam, Sri A.—

Governor's Address, discussion on	17-24
-----------------------------------	-------

Sudarsanam Naidu, Sri M. V.—

Governor's Address, discussion on	110-113
-----------------------------------	---------

Suppression of Immoral Traffic Rules, 1952—

Amendment to rule 56, notification laid on the table	37
--	----

Survey and Boundaries Act, 1923—

Amendments to rules, laid on the table	229
--	-----

Survey and Land Records Department—

Review of activities of — for first-half of 1956-57, laid on the table	157
--	-----

Swearing-in of Members—

Madurai Pillai, Sri P.	2
Ramasamy Gounder, Sri K. M.	2
Thambuswami, Rev. D.	2

T

Tanks—

Question <i>re</i> Chembarampakkam tank, causes for low level of water in	188-189
---	---------

Teachers—

Question *re*—

Reinstatement of — dismissed from elementary schools in Tirunelveli and Ramanathapuram districts	187-188
Travelling allowance to — posted for election duty, rules for grant of	160-161

Temple(s)—

Question <i>re</i> revival of puja in the — at Vellore Fort	119-121
---	---------

Thambuswami, Rev. D.—

Sworn in	2
----------	---

Tiruchirappalli Municipality—

Irregularities in elections for filling up a casual vacancy in Ward III, notification laid on the table	41
---	----

Tobacco (Taxation of Sales and Registration) (Special Provisions) Ordinance, 1957—

Laid on the table	42
-------------------	----

Tourist Officer, Tourist Bungalow, Madurai—

Exclusion of post of — from Service Commission's purview, notification laid on the table	41
--	----

Transport rural—

Question <i>re</i> survey and improvement of	6-8
--	-----

Travellers' bungalows—

Question <i>re</i> introduction of uniform nomenclature for — and rest-houses	83-85
---	-------

Tribunal for Disciplinary Proceedings—

Review of activities of — for half-year ending 30th September 1957, laid on the table	41
---	----

V

Venkataraman, the Hon. Sri R.—

Bill—Maternity Benefit (Amendment) Bill, 1958	194
Condolence Resolution <i>re</i> death of Sambamurthy, Sri Bulusu...	1-2
Governor's Address, discussion on	26, 36 61, 63, 82 130, 138 142, 143 148-157

Venugopal, Sri S. N.—

Governor's Address, discussion on	104-105
-----------------------------------	---------

Z

Zonal Council (South)—

Question <i>re</i> official report of the proceedings of —, laying on the table of the House	3-5
--	-----



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